

## CORRECTIONS

Budget Summary							
Fund	2000-01 Base Year Doubled	2001-03 Governor	2001-03 Jt. Finance	2001-03 Legislature	2001-03 Act 16	Act 16 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$1,528,727,400	\$1,734,943,600	\$1,688,593,900	\$1,679,457,000	\$1,679,457,000	\$150,729,600	9.9%
FED	5,179,800	5,219,500	5,219,500	5,219,500	5,219,500	39,700	0.8
PR	285,291,200	296,222,100	296,663,000	296,360,400	296,360,400	11,069,200	3.9
SEG	<u>1,023,200</u>	<u>773,500</u>	<u>771,700</u>	<u>670,900</u>	<u>670,900</u>	<u>- 352,300</u>	- 34.4
TOTAL	\$1,820,221,600	\$2,037,158,700	\$1,991,248,100	\$1,981,707,800	\$1,981,707,800	\$161,486,200	8.9%

FTE Position Summary						
Fund	2000-01 Base	2002-03 Governor	2002-03 Jt. Finance	2002-03 Legislature	2002-03 Act 16	Act 16 Change Over 2000-01 Base
GPR	8,028.50	9,564.10	9,581.83	9,542.33	9,542.33	1,513.83
FED	2.00	0.00	0.00	0.00	0.00	- 2.00
PR	1,454.15	1,418.40	1,415.00	1,412.00	1,412.00	- 42.15
SEG	<u>4.00</u>	<u>4.00</u>	<u>4.00</u>	<u>3.00</u>	<u>3.00</u>	<u>- 1.00</u>
TOTAL	9,488.65	10,986.50	11,000.83	10,957.33	10,957.33	1,468.68

### Budget Change Items

### Departmentwide

#### 1. STANDARD BUDGET ADJUSTMENTS [LFB Paper 310]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$98,074,800	241.02	- \$2,213,900	0.00	\$95,860,900	241.02
PR	9,897,800	- 7.00	- 799,400	0.00	9,098,400	- 7.00
FED	39,700	- 2.00	0	0.00	39,700	- 2.00
SEG	<u>- 565,200</u>	<u>- 4.00</u>	<u>- 1,800</u>	<u>0.00</u>	<u>- 567,000</u>	<u>- 4.00</u>
Total	\$107,447,100	228.02	- \$3,015,100	0.00	\$104,432,000	228.02

**Governor:** Provide \$53,485,800 and 229.02 positions in 2001-02 (\$48,815,700 GPR and 242.02 GPR positions, \$4,913,400 PR and -7.0 PR positions, \$39,700 FED and -2.0 FED positions and -\$283,000 SEG and -4.0 SEG positions) and \$53,961,300 and 228.02 positions in 2002-03 (\$49,259,100 GPR and 241.02 GPR positions, \$4,984,400 PR and -7.0 PR positions, -2.0 FED positions and -\$282,200 SEG and -4.0 SEG positions) for the following adjustments to the base budget: (a) turnover reduction (-\$6,989,400 GPR and -\$1,156,200 PR annually); (b) removal of noncontinuing elements (-\$3,736,100 GPR and -1.0 GPR position, -\$2,155,400 PR and -7.0 PR positions, -\$39,800 FED and -2.0 FED positions and -\$283,300 SEG and -4.0 SEG positions in 2001-02 and -\$3,801,900 GPR and -2.0 GPR positions, -\$2,166,400 PR and -7.0 PR positions, -\$79,500 FED and -2.0 FED positions, and -\$283,300 SEG and -4.0 SEG positions in 2002-03); (c) full funding of salaries and fringe benefits (\$26,511,500 GPR, \$4,930,800 PR, \$79,500 FED and -\$24,700 SEG annually); (d) full funding of costs approved under s. 13.10 in 2000-01 (\$11,854,000 GPR and 243.02 GPR positions in 2001-02 and \$11,876,900 GPR and 243.02 GPR positions in 2002-03); (e) full funding of BadgerNet cost increases (\$94,400 GPR and \$17,200 PR annually); (f) overtime costs (\$13,860,900 GPR, \$2,303,600 PR and \$25,000 SEG in 2001-02 and \$14,343,200 GPR, \$2,384,300 PR and \$25,800 SEG in 2002-03); (g) night and weekend pay differential (\$7,092,900 GPR and \$943,100 PR annually); (h) fifth week of vacation as cash (\$95,700 GPR and \$30,300 PR in 2001-02 and \$99,700 GPR and \$31,600 PR in 2002-03); and (i) full funding of private lease costs and directed moves (\$31,800 GPR annually). The 15.0 positions removed as noncontinuing elements include: (a) 2.0 FED project positions for a career development project grant that terminate on January 1, 2002; (b) 4.0 SEG project positions for computer recycling that terminate on June 30, 2001; (c) 1.0 PR project position for an employment program grant in the Division of Community Corrections that terminates on September 1, 2001; (d) 1.0 GPR project position for an employment program in the Division of Community Corrections that terminates on March 29, 2002; (e) 1.0 GPR project administrative rules officer position that terminates on January 4, 2003; (f) 1.0 PR project teacher position at the Milwaukee Juvenile Reporting Center that terminates on July 30, 2001; and (g) 5.0 PR health services positions at the Prairie du Chien Correctional Facility deleted because health services are provided through a contract provider. The 243.02 positions created as full funding of costs approved under s. 13.10 in 2000-01 include the following positions created at the September, 2000, s. 13.10 meeting: (a) Milwaukee Secure Correctional Facility staffing, 139.03 GPR positions; (b) Redgranite Correctional Institution food service staffing, 4.0 GPR positions; (c) Division of Community Corrections information technology support, 1.0 GPR position; (d) Fox Lake Correctional Institution educational programming, 11.17 GPR positions; and (e) Burke and Ellsworth Correctional Centers and Fox Lake Correctional Institution staffing associated with the return of female offenders from out-of-state contract beds, 87.82 GPR positions.

**Joint Finance/Legislature:** Reduce funding by \$925,500 GPR, \$370,100 PR and \$600 SEG in 2001-02 and \$1,288,400 GPR, \$429,300 PR and \$1,200 SEG in 2002-03, as follows: (a) delete \$1,249,600 GPR and \$189,800 PR annually associated with turnover reductions; (b) provide \$637,400 GPR and delete \$94,200 PR annually associated with the full funding of salaries and fringe benefits; (c) delete \$49,800 GPR in 2001-02 and \$61,900 GPR in 2002-03 associated with the full funding in the 2001-03 biennium of 2000-01 s. 13.10 actions; (d) delete \$334,600 GPR, \$55,200

PR and \$600 SEG in 2001-02 and \$682,000 GPR, \$113,300 PR and \$1,200 SEG in 2002-03 associated with overtime costs; (e) provide \$73,100 GPR and delete \$30,100 PR annually associated with night and weekend pay differentials; and (f) delete \$2,000 GPR and \$800 PR in 2001-02 and \$5,400 GPR and \$1,900 PR in 2002-03 for providing employees' fifth vacation week as cash costs.

## 2. GENERAL PROGRAM OPERATIONS REDUCTION

GPR	- \$768,200
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**Senate/Legislature:** Delete \$384,100 annually from the Department of Corrections' general program operations appropriation.

## 3. BASE BUDGET REDUCTIONS [LFB Paper 245]

GPR	- \$3,512,600
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**Governor:** Reduce the Department's largest GPR state operations appropriation by \$1,756,300 in each year. The total reduction amount was derived by making a reduction of 5% to Corrections' central office costs. No later than 90 days after the effective date of the bill, permit the agency to submit an alternative plan to the Secretary of the Department of Administration for allocating the required reduction among its sum certain GPR state operations appropriations. Provide that if the DOA Secretary approves the alternative reduction plan, the plan must be submitted to the Joint Committee on Finance for its approval under a 14-day passive review procedure. Specify that if the Secretary of Administration does not approve the agency's alternative reduction plan, the agency must make the reduction to the appropriation as originally indicated.

**Joint Finance/Legislature:** Provide that the agency may submit a request to the Joint Committee on Finance under s. 13.10 to reallocate any of the reductions to other sum certain GPR appropriations for state operations made to the agency.

[Act 16 Section: 9159(1)]

## 4. FULL FUNDING OF NON-SALARY COSTS [LFB Paper 311]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$1,973,800	- \$204,400	\$1,769,400

**Governor:** Provide \$986,900 annually to annualize non-salary costs, including rent, supplies and services and internal service charges associated with positions created for only a portion of a year under previous legislative actions. Annual funding associated with positions created in 1999 Act 9 would be provided as follows: (a) Division of Community Corrections, \$348,900; (b) Redgranite Correctional Institution, \$529,200; and (c) New Lisbon Correctional Institution, \$6,600. In addition, provide annual funding associated with positions created in

1997 Act 237 as follows: (a) Supermax Correctional Institution, \$59,800; (b) Fox Lake Correctional Institution dormitories, \$31,600; and (c) Green Bay Correctional Institution segregation unit, \$10,800.

**Joint Finance/Legislature:** Delete \$102,200 annually for costs associated with positions created in 1997 Act 237 (Supermax Correctional Institution, -\$59,800 annually; Fox Lake Correctional Institution dormitories, -\$31,600 annually; and Green Bay Correctional Institution segregation unit, -\$10,800 annually).

## 5. DEBT SERVICE REESTIMATES [LFB Paper 266]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$38,059,700	- \$10,022,900	\$28,036,800
PR	673,700	0	673,700
Total	\$38,733,400	- \$10,022,900	\$28,710,500

**Governor:** Provide \$14,594,400 GPR and \$207,700 PR in 2001-02 and \$23,465,300 GPR and \$466,000 PR in 2002-03 to reflect a reestimate of debt service costs in the Department of Corrections. The total reestimate is divided as follows: (a) adult corrections, \$14,547,500 GPR in 2001-02 and \$23,418,000 GPR in 2002-03; (b) juvenile corrections, \$46,900 GPR in 2001-02 and \$47,300 GPR in 2002-03; and (c) Badger State Industries, \$207,700 PR in 2001-02 and \$466,000 PR in 2002-03. In total, debt service costs for Corrections would be: (a) adult corrections, \$70,176,200 GPR in 2001-02 and \$79,046,700 GPR in 2002-03; (b) juvenile corrections, \$4,171,700 GPR in 2001-02 and \$4,172,100 GPR in 2002-03; and (c) Badger State Industries, \$309,600 PR in 2001-02 and \$567,900 PR in 2002-03.

**Joint Finance/Legislature:** Delete \$3,702,100 GPR in 2001-02 and \$6,320,800 GPR in 2002-03 to reestimate debt service costs associated with adult and juvenile correctional institutions. Funding would be reestimated as follows: (a) -\$3,800,600 GPR in 2001-02 and -\$6,418,300 GPR in 2002-03 for adult correctional institutions; and (b) \$98,500 GPR in 2001-02 and \$97,500 GPR in 2002-03 for juvenile correctional facilities. In total, reestimated debt service costs for Corrections would be: (a) \$66,375,600 GPR in 2001-02 and \$72,628,400 GPR in 2002-03 for adult correctional institutions; and (b) \$4,270,200 GPR in 2001-02 and \$4,269,600 GPR in 2002-03.

## 6. FUEL AND UTILITY REESTIMATES

	Governor (Chg. to Base)	Legislature (Chg. to Gov)	Net Change
GPR	\$4,003,200	- \$800,700	\$3,202,500

**Governor:** Provide \$2,272,300 in 2001-02 and \$1,730,900 in 2002-03 for estimated fuel and utility costs at the adult correctional institutions and centers. Funding would be divided as

follows: (a) correctional institutions, \$1,954,200 in 2001-02 and \$1,488,600 in 2002-03; and (b) correctional centers, \$318,100 in 2001-02 and \$242,300 in 2002-03.

**Assembly/Legislature:** Transfer \$454,500 in 2001-02 and \$346,200 in 2002-03 from the Department of Corrections' fuel and utilities appropriation to the Joint Committee on Finance's supplemental appropriation for possible release to the Department for fuel and utility costs under s. 13.10.

## 7. RENT

GPR	\$1,267,000
PR	246,100
SEG	24,100
Total	\$1,537,200

**Governor/Legislature:** Provide \$679,500 (\$559,500 GPR, \$108,100 PR and \$11,900 SEG) in 2001-02 and \$857,700 (\$707,500 GPR, \$138,000 PR and \$12,200 SEG) in 2002-03 for rental costs on a departmentwide basis. The request would be divided as follows: (a) Division of Management Services, \$297,000 GPR and \$93,900 PR in 2001-02 and \$308,200 GPR and \$103,000 PR in 2002-03; (b) Division of Adult Institutions, -\$5,800 GPR, \$77,600 PR and \$11,900 SEG in 2001-02 and -\$5,800 GPR, \$86,700 PR and \$12,200 SEG in 2002-03; (c) Division of Program Planning and Movement, -\$26,200 GPR and -\$13,200 PR in 2001-02 and -\$25,500 GPR and -\$12,900 PR in 2002-03; (d) Division of Community Corrections, \$273,100 GPR and -\$2,400 PR in 2001-02 and \$408,300 GPR and -\$2,400 PR in 2002-03; (e) Secretary's Office, -\$2,400 GPR annually; (f) Division of Juvenile Corrections, \$17,600 GPR and -\$47,800 PR in 2001-02 and \$17,800 GPR and -\$36,400 PR in 2002-03; and (g) Parole Commission, \$6,200 GPR in 2001-02 and \$6,900 GPR in 2002-03.

## 8. GPR-EARNED REESTIMATE [LFB Paper 314]

GPR-REV - \$2,116,000

**Joint Finance/Legislature:** Reestimate the amount of revenues to be received by the Department of Corrections and deposited to the general fund by -\$608,000 in 2001-02 and -\$1,508,000 in 2002-03. Based on reestimated federal reimbursement grant amounts and telephone commission revenues, it is estimated that the Department's GPR-Earned revenues will be \$8,120,000 in 2001-02 and \$7,420,000 in 2002-03.

## 9. INFORMATION TECHNOLOGY SYSTEMS AND EQUIPMENT

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$1,585,100	2.00	\$0	18.00	\$1,585,100	20.00

**Governor:** Provide \$461,100 in 2001-02 and \$1,124,000 in 2002-03 and 2.0 positions annually for information technology systems and equipment as follows:

a. *Corrections System Integration.* Provide \$140,200 in 2001-02 and \$162,200 in 2002-03 and 2.0 positions annually for continued development of an integrated corrections system (ICS). The ICS is designed to serve as a single correctional database that includes arrest and conviction data, medical and other treatment records and location and status information for each offender. The system is intended to provide information for Corrections staff, law enforcement and the general public.

b. *Information Technology Equipment Replacement.* Provide \$640,900 in 2002-03 to replace workstations, personal computers for the inmate education local area network, printers, network hardware and communications software. Costs would be financed utilizing the state's master lease program and repaid over a four-year period. According to the executive budget book, master lease payments would total \$3.5 million in 2003-04, \$5.9 million in 2004-05, \$5.2 million in 2005-06 and \$2.4 million in 2006-07.

c. *Funding of Data Communications Lines.* Provide \$320,900 annually to fully fund costs of existing T-1 data communications lines currently funded by the operating divisions within the Department.

**Joint Finance/Legislature:** Delete \$461,100 in 2001-02 and \$1,124,000 in 2002-03 associated with the replacement of Corrections' information technology systems and equipment. Instead, provide \$317,400 in 2001-02 and \$1,267,700 in 2002-03 and 18.0 positions annually to fund continued development of the Department of Corrections' integrated corrections system (ICS). Of the total, \$114,600 in 2001-02 and \$760,500 in 2002-03 would be utilized for the payment of masterlease payments on ICS equipment. In addition, require the Department, in connection with the integrated corrections system, to convert all inmate medical histories including prescription, laboratory and x-ray orders, to electronic format that will be accessible by Corrections staff using the intranet. Require that the conversion to electronic format be accomplished by June 30, 2003. Total project costs for ICS over a seven-year period are estimated to be \$22.1 million.

**Veto by Governor [D-9]:** Delete provision that requires the Department, in connection with the integrated corrections system, to convert, by June 30, 2003, all inmate medical histories including prescription, laboratory and x-ray orders, to electronic format that will be accessible by Corrections staff using the intranet.

[Act 16 Vetoed Section: 3329e]

## **10. INTEGRATED CORRECTIONS SYSTEM REQUIREMENTS**

**Senate/Legislature:** Require that Corrections, as part of its integrated corrections system, publish statistics related to adult corrections on its public internet web site which include at a minimum: (a) the total prison population; (b) prison population by institution; (c) commitments to the correctional system; (d) releases from the correctional system; (e) average sentence length;

(f) offenses; (g) race; (h) gender; (i) educational level; (j) marital status; (k) parental status; (l) religion; and (m) county of commitment. Require Corrections, as part of its integrated corrections system, to publish statistics related to juvenile corrections on its public internet web site which includes at a minimum: (a) the total population; (b) population by institution; (c) gender; (d) race; (e) average age; (f) offenses; (g) county of commitment; (h) admissions; (i) releases; and (j) average population.

**Veto by Governor [D-9]:** Delete provisions.

[Act 16 Vetoed Sections: 3330e and 3330f]

## 11. INMATE TRACKING SYSTEM

**Senate/Legislature:** Require the Department of Corrections to establish an inmate tracking system which includes information related to: (a) criminal history; (b) medical and mental health history; (c) alcohol and other drug abuse history; (d) educational and vocational history; (e) victimization history; (f) violence history; (g) religion; (h) marital status; and (i) the status of all of the offender's children.

Require Corrections to track the number of offenders returning to prison due to a probation or parole revocation and whether the revocation is due to a new crime or a violation of a rule of probation or parole.

**Veto by Governor [D-9]:** Delete provisions.

[Act 16 Vetoed Sections: 3330c and 3330d]

## 12. BUREAU OF TECHNOLOGY MANAGEMENT STAFFING [LFB Paper 312]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$1,459,400	18.00	-\$134,900	0.00	\$1,324,500	18.00

**Governor:** Provide \$430,100 and 10.0 positions in 2001-02 and \$1,029,300 and 18.0 positions in 2002-03 for increased staffing for the Bureau of Technology Management (BTM). In total, positions would be divided as follows: (a) 1.0 information systems supervisor in 2001-02 and 2.0 information systems supervisors in 2002-03 to provide BTM supervision; (b) 1.0 web designer annually to develop and maintain web pages for Corrections; (c) 1.0 systems/business analyst in 2001-02 and 2.0 systems/business analysts in 2002-03 to support the development, implementation, maintenance and support of administrative systems (for example, personnel, asset management, electronic forms and procurement); (d) 1.0 systems integration/customer

service manager in 2001-02 and 2.0 systems integration/customer service managers in 2002-03 to work with divisions with regards to IT issues; (e) 1.0 asset manager annually to oversee the Department's asset management system; (f) 1.0 database administrator annually to support the databases associated with administrative systems and specialized applications; (g) 1.0 information systems specialist in 2001-02 and 2.0 information specialists in 2002-03 to support the operating systems associated with the administrative databases; (h) 1.0 field technician in 2001-02 and 2.0 field technicians in 2002-03 to provide information technology staff at Corrections' locations statewide; (i) 1.0 programmer/analyst in 2001-02 and 3.0 programmer/analysts in 2002-03 to maintain administrative and specialized applications; and (j) 1.0 operations support technician in 2001-02 and 2.0 operations support technicians in 2002-03 to provide operations support. Base funding for BTM is \$7,854,200 GPR and 70.5 GPR positions and \$1,907,600 PR and 9.0 PR positions.

**Joint Finance/Legislature:** Reduce funding by \$134,900 in 2002-03 to reflect modified position classifications and a delay in the start of positions created in 2002-03.

### 13. PROGRAM REVENUE REESTIMATES FOR ADULT CORRECTIONS

PR	- \$2,873,500
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**Governor/Legislature:** Delete \$1,437,800 in 2001-02 and \$1,435,700 in 2002-03 associated with the following program revenue appropriation reestimates: (a) -\$525,500 annually associated with supplies and services costs at the Waupun Central Warehouse; (b) -\$584,400 in 2001-02 and -\$574,400 in 2002-03 associated with home detention costs provided to counties based on estimated usage; and (c) -\$327,900 in 2001-02 and -\$335,800 in 2002-03 associated with decreased monitoring fee revenues as a result of the reduction in the utilization of the intensive sanctions program.

### 14. PERSONNEL RECRUITMENT [LFB Paper 313]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$300,000	- \$150,000	\$150,000

**Governor:** Provide \$150,000 annually to allow the Department to expand personnel recruitment efforts in southeastern Wisconsin and statewide. At the December, 2000, s. 13.10 meeting, the Joint Committee on Finance approved a one-time transfer of \$141,500 GPR in 2000-01 from the Department's prison contracts appropriation for expanded employee recruitment efforts.

**Joint Finance/Legislature:** Delete \$75,000 annually for personnel recruitment. Specify that Corrections may not use billboards or similar structures to recruit its employees.

[Act 16 Section: 3352m]

**15. SEX OFFENDER REGISTRY CERTIFIED MAIL**

GPR	\$52,000
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**Governor/Legislature:** Provide \$26,000 annually to allow Corrections to mail updated and verification information via certified mail to individuals required to register as sex offenders.

**16. RISK MANAGEMENT POSITION**

Positions	
GPR	1.00

**Governor/Legislature:** Provide 1.0 risk management specialist position annually to manage the Department's owned and leased vehicles and permanent property. The position would be funded using base resources.

**17. BASE LEVEL FUNDING AND POSITIONS REALLOCATIONS**

**Governor/Legislature:** Transfer base level funding and positions between and within appropriations in the Department for the following purposes: (a) creation of a separate Office of Procurement; (b) transfer of responsibility for supervision of the health services unit at the Dodge Correctional Institution (DCI) from the Bureau of Health Services central office in Madison to the warden at DCI; (c) reallocation of staff and funding within the Division of Program Planning and Movement from the Office of Program Audit and Evaluations to the program planning and evaluation section in the Bureau of Offender Programs; (d) consolidation of GPR funding and position authority for Division of Management Services activities to a single appropriation; (e) creation of four staff development specialists from four probation and parole agent positions for training purposes; (f) transfer of responsibility for monitoring the Outagamie County jail contract from the correctional centers to the Division of Adult Institutions; and (f) reallocation of positions and funding to reflect organizational changes.

While funding and position totals by funding source and fiscal year do not change, the following changes occur by appropriation: (a) general program operations, adult corrections, \$1,169,300 GPR and 19.50 GPR positions annually; (b) services for community corrections, -\$483,600 GPR and -9.50 GPR positions annually; (c) general program operations, juvenile corrections, -\$685,700 GPR and -10.00 GPR positions; (d) general operations, -\$19,500 PR and -0.50 PR position annually; (e) administration of restitution, \$19,500 PR and 0.50 PR position annually; (f) juvenile correctional services, -\$5,500 PR and 0.17 PR position annually; and (g) juvenile corrective sanctions program, \$5,500 PR and -0.17 PR position annually.

## **18. OPERATIONS AND MAINTENANCE APPROPRIATION**

**Governor/Legislature:** Create a continuing program revenue appropriation in the Department of Corrections to receive fees paid by Corrections employees and vendors, to provide administrative services. The Department of Administration indicates that the appropriation is intended to be used for employee parking fees and cafeteria expenses at the new Department of Corrections building in Madison.

[Act 16 Section: 682]

## **19. APPROPRIATION DELETIONS**

**Governor/Legislature:** Delete the following appropriations in the Department of Corrections: (a) home detention, GPR (an appropriation created to fund start-up costs associated with home monitoring, now supported through program revenues); (b) offender release information, GPR (an appropriation created to fund costs of providing offender release information, now funded from general program operations); (c) state-owned housing maintenance, PR (an appropriation to receive rental payments for state-owned housing. Housing is no longer provided for state employees); and (d) federal aid for foster care and treatment foster care, FED (an appropriation that Corrections does not utilize since federal foster care funding is claimed by the Department of Health and Family Services on Corrections' behalf). Delete obsolete statutory language specifying that on June 30, 1992, June 30, 1993, and June 30, 1994, one-third of the amount expended in fiscal year 1990-91 from the appropriation under the GPR home detention appropriation shall lapse to the general fund.

[Act 16 Sections: 677, 679, 680, 681 and 687]

## **20. DEPARTMENT OF CORRECTIONS AND COUNTY NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS**

**Assembly/Legislature:** Create the following provisions related to contracts with, or awards to, religious organizations by the Department of Corrections or counties (all county departments, boards, commissions, institutions, offices and other agencies of the county government for which funds may be legally appropriated) for the prevention of delinquency and crime and the rehabilitation of offenders:

a. Specify that the purpose of the provision is to allow the Department of Corrections or a county to contract with, or award grants to, religious organizations, under any program administered by the Department or county related to the prevention of delinquency and crime or the rehabilitation of offenders, on the same basis as any other nongovernmental provider, without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

b. Specify that if the Department or county is authorized to contract with a nongovernmental entity, or to award grants to a nongovernmental entity, religious organizations are eligible, on the same basis as any other private organization, as contractors and grantees under any program administered by Corrections or a county so long as the programs are implemented consistently with the First Amendment of the U.S. Constitution and article I, section 18, of the Wisconsin Constitution. Specify that Corrections and a county may not discriminate against an organization that is or applies to be a contractor or grantee on the basis that the organization does or does not have a religious character or because of the specific religious nature of the organization.

c. Require Corrections and counties to allow a religious organization with which the Department or the counties contract or to which the Department or counties award a grant to retain its independence from government, including the organization's control over the definition, development, practice and expression of its religious beliefs. Further specify that the Department or a county may not require a religious organization to alter its form of internal governance or to remove religious art, icons, scripture or other symbols in order to be eligible for a contract or grant.

d. Specify that if Corrections or a county contracts with or awards grants to a religious organization for the provision of crime prevention or offender rehabilitation assistance under a program administered by the Department or a county, an individual who is eligible for the assistance must be informed in writing that assistance of equal value and accessibility is available from a nonreligious provider upon request. Require that if an individual has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program administered by Corrections or the county and requests assistance from a nonreligious provider, Corrections or the county must provide the individual, if otherwise eligible for such assistance, with assistance of equal value from a nonreligious provider. Require Corrections or a county to provide assistance within a reasonable period of time after the date of objection and ensure that it is accessible to the individual.

e. Specify that a religious organization may not discriminate against an individual in regard to rendering assistance funded under any program administered by Corrections or a county on the basis of religion, a religious belief or nonbelief or refusal to actively participate in a religious practice.

f. Specify that any religious organization that contracts with, or receives a grant from, Corrections or a county is subject to the same laws and rules as other contractors and grantees to account in accord with generally accepted auditing principles for the use of funds provided under such programs. Further specify that if the religious organization segregates funds provided under programs administered by Corrections or a county into separate accounts, only the financial assistance provided with those funds is subject to audit.

g. Specify that any party that seeks to enforce its rights related to nondiscrimination against religious organizations may bring a civil action for injunctive relief against the entity that allegedly commits the violation.

h. Specify that no funds provided directly to religious organizations by Corrections or a county may be expended for sectarian worship, instruction or proselytization.

i. Require every religious organization that contracts with, or receives a grant from, Corrections or a county to provide delinquency and crime prevention or offender rehabilitation services to eligible recipients to certify in writing that it has complied with the requirements against sectarian worship, instruction or proselytization and nondiscrimination against beneficiaries. Further require that every religious organization submit to Corrections or the county a copy of its certification and a written description of the policies adopted by the organization to ensure that it has complied with the requirements.

j. Specify that nothing in the sections related to nondiscrimination against religious organizations may be construed to preempt any other statute that prohibits or restricts the expenditure of federal or state funds by, or granting federal or state funds to, religious organizations.

[Act 16 Sections: 2002j and 3334j]

## **21. ALCOHOL AND OTHER DRUG ABUSE SERVICES TO MALE AND FEMALE INMATES**

**Senate/Legislature:** Require the Department of Corrections to offer the same level of alcohol and other drug abuse (AODA) services to female inmates as to male inmates. Require Corrections to report to the Joint Committee on Finance no later than six months after passage of the budget act the status of male and female AODA programming in the Department.

**Veto by Governor [D-10]:** Delete provision.

[Act 16 Vetoes Sections: 3327q and 9111(7d)]

## **22. PERFORMANCE EVALUATIONS FOR SUBSTANCE ABUSE INTERVENTION AND TREATMENT GRANTS**

**Assembly/Legislature:** Require the Department of Corrections to promote the efficient use of resources for substance abuse intervention and treatment services by doing all of the following: (a) developing one or more methods to evaluate the effectiveness of, and developing performance standards for, substance abuse intervention and treatment services administered by Corrections; (b) adopting policies to ensure that, to the extent possible under state and federal law, funding for substance abuse intervention and treatment services that are administered by Corrections are distributed giving primary consideration to the effectiveness of

the services in meeting department performance standards for substance abuse services; (c) requiring every application for funding from Corrections for substance abuse intervention or treatment services to include a plan for the evaluation of the effectiveness of the services in reducing substance abuse by the service recipients; and (d) requiring every funding recipient to provide Corrections the results of the evaluation conducted under (c).

**Veto by Governor [D-11]:** Delete provision.

[Act 16 Vetoed Section: 3327r]

## **23. GENDER-SPECIFIC TREATMENT PROGRAMS**

**Senate/Legislature:** Require the Departments of Corrections and Health and Family Services to jointly develop a gender-specific treatment program for addressing individual treatment needs for incarcerated female offenders. Require the Departments to jointly prepare and submit a report to the Legislature with a program plan by July 1, 2002.

**Veto by Governor [D-10]:** Delete provision.

[Act 16 Vetoed Sections: 3329x and 9111(6e)]

## **24. ACCESS TO INMATE RECORDS**

**Senate:** Require the Department of Corrections to provide public access to records that do not compromise institutional security, including final mortality reviews. Specify that inmate privacy be protected by redacting the name and number of the inmate.

**Conference Committee/Legislature:** Delete provision.

# **Adult Correctional Facilities**

## **1. ADULT CORRECTIONAL FACILITY POPULATIONS [LFB Papers 326, 328 and 329]**

**Governor:** Estimate an average daily population in adult correctional facilities (correctional institutions and centers) of 20,835 in 2001-02 and 20,699 in 2002-03. The following table identifies the distribution of this population.

	March 2, 2001 <u>Actual Population</u>	<u>Average Daily Population</u>	
		<u>2001-02</u>	<u>2002-03</u>
Institutions	13,609	14,450	16,658
Centers	1,866	2,210	2,449
Contract Beds			
In-state <sup>1</sup>	609	318	318
Out-of-state	<u>4,551</u>	<u>3,857</u>	<u>1,274</u>
Total	20,635	20,835	20,699

<sup>1</sup>In-state contract beds in 2001-03 are provided by the Division of Juvenile Corrections at Prairie du Chien (300 beds) and by the federal prison in Oxford (18 beds). The bill assumes that no beds will be provided by Wisconsin counties in the 2001-03 biennium.

**Joint Finance:** Estimate an average daily population in adult correctional facilities as follows:

	<u>Average Daily Population</u>	
	<u>2001-02</u>	<u>2002-03</u>
Institutions <sup>1</sup>	14,359	16,004
Centers <sup>1</sup>	2,061	2,368
Contract Beds		
In-state <sup>2</sup>	318	318
Out-of-state <sup>1</sup>	<u>4,097</u>	<u>2,009</u>
Total	20,835	20,699

<sup>1</sup>Populations in the correctional institutions and centers were reduced from the Governor's estimates by an average of 240 inmates in 2001-02 and 735 in 2002-03 as a result of the delay in the opening of some prisons. A corresponding increase in contract beds was provided to house the estimated prison population.

<sup>2</sup>In-state contract beds in 2001-03 are provided by the Division of Juvenile Corrections at Prairie du Chien (300 beds) and by the federal prison in Oxford (18 beds). The bill assumes that no beds will be provided by Wisconsin counties in the 2001-03 biennium.

**Senate:** Estimate an average daily population in adult correctional facilities as follows:

	<u>Average Daily Population</u>	
	<u>2001-02</u>	<u>2002-03</u>
Institutions <sup>1</sup>	14,324	15,341
Centers <sup>1</sup>	2,044	2,218
Contract Beds		
In-state <sup>2</sup>	318	318
Out-of-state <sup>1</sup>	<u>4,114</u>	<u>2,555</u>
Total	20,800	20,432

<sup>1</sup>Populations in the correctional institutions and centers were reduced from the Governor's estimates by an average of 257 inmates in 2001-02 and 1,281 inmates in 2002-03 as a result of the delay in the opening of some prisons. Correctional institution populations were further reduced by 35 inmates in 2001-02 and 267 inmates in 2002-03 as a result of utilizing the intensive sanctions program. A corresponding increase in contract beds was provided to house the estimated prison population associated with the prison delays (an average of 257 inmates in 2001-02 and 1,281 inmates in 2002-03).

<sup>2</sup>In-state contract beds in 2001-03 are provided by the Division of Juvenile Corrections at Prairie du Chien (300 beds) and by the federal prison in Oxford (18 beds). The bill assumes that no beds will be provided by Wisconsin counties in the 2001-03 biennium.

**Conference Committee/Legislature:** Estimate an average daily population in adult correctional facilities as follows:

	<u>Average Daily Population</u>	
	<u>2001-02</u>	<u>2002-03</u>
Institutions <sup>1</sup>	14,359	15,668
Centers <sup>1</sup>	2,061	2,368
Contract Beds		
In-state <sup>2</sup>	318	318
Out-of-state <sup>1</sup>	<u>4,097</u>	<u>2,345</u>
Total	20,835	20,699

<sup>1</sup>Populations in the correctional institutions and centers were reduced from the Governor's estimates by an average of 240 inmates in 2001-02 and 1,071 in 2002-03 as a result of the delay in the opening of some prisons. A corresponding increase in contract beds was provided to house the estimated prison population.

<sup>2</sup>In-state contract beds in 2001-03 are provided by the Division of Juvenile Corrections at Prairie du Chien (300 beds) and by the federal prison in Oxford (18 beds). The act assumes that no beds will be provided by Wisconsin counties in the 2001-03 biennium.

## 2. INMATE POPULATION ADJUSTMENTS [LFB Papers 325 and 328]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$18,143,100	- \$2,108,400	\$16,034,700

**Governor:** Provide \$6,631,900 in 2001-02 and \$11,511,200 in 2002-03 to reflect population-related cost adjustments for prisoners in facilities operated by the Divisions of Adult Institutions and Community Corrections as follows: (a) -\$465,300 in 2001-02 and \$1,621,900 in 2002-03 for food costs; (b) -\$370,300 in 2001-02 and \$1,140,200 in 2002-03 for variable non-food costs, such as clothing, laundry, inmate wages and other supplies; and (c) \$7,467,500 in 2001-02 and \$8,749,100 in 2002-03 for inmate health care.

**Joint Finance:** Delete \$274,100 in 2001-02 and \$1,834,300 in 2002-03 associated with population adjustments at the Fox Lake, New Lisbon and Highview Correctional Institutions, the inmate workhouses in Winnebago and Sturtevant and the Probation and Parole Hold Facility in Sturtevant.

**Senate:** Delete an additional \$35,500 in 2001-02 and \$1,137,700 in 2002-03 associated with: (a) the delay in the opening of the New Lisbon Correctional Institution, the Highview Geriatric Facility and the inmate workhouse at the Winnebago until January 1, 2004; and (b) health care costs for inmates placed in out-of-state correctional facilities.

**Conference Committee/Legislature:** Include Joint Finance provision.

### 3. PRISON CONTRACT BED FUNDING [LFB Papers 326, 328 and 329]

	Governor (Chg. to Base)	Jt. Finance (Chg. to Gov)	Legislature (Chg. to JFC)	Net Change
GPR	-\$101,705,200	\$1,302,800	\$5,396,200	-\$95,006,200

**Governor:** Delete \$32,232,800 in 2001-02 and \$69,472,400 in 2002-03 related to in-state and out-of-state prison contract beds. Total funding would be \$79,422,800 in 2001-02 and \$42,183,200 in 2002-03. Funding would support 4,411 contract beds in 2001-02 and 2,180 contract beds in 2002-03, and would fund the costs of temporary lockup of intensive sanctions and correctional center system inmates, detention of probation and parole violators in county jails and two county jail programs. (It should be noted that the contract bed numbers are higher than those shown under the population figures of Item #1.) Under the bill, the state would no longer contract with Wisconsin counties for prison beds. Base funding for contract beds is \$111,805,600.

**Joint Finance:** Provide -\$106,600 in 2001-02 and \$1,409,400 in 2002-03, associated with the following: (a) adjusting contract bed funding to be consistent with population projections (-\$4,073,500 in 2001-02 and -\$10,021,400 in 2002-03); (b) the delayed opening of the New Lisbon and Highview Correctional Institutions, the inmate workhouses in Winnebago and Sturtevant, and the Milwaukee Secure Detention Facility (\$3,854,600 in 2001-02 and \$12,158,300 in 2002-03); (c) reducing the budgeted daily rate for the Corrections Corporation of America in 2002-03 from \$45.32 to \$44.00 to reflect the currently authorized contract rate (-\$785,300 in 2002-03); (d) reducing inmate health care costs related to out-of-state inmates by \$37,700 in 2001-02 and

\$92,200 in 2002-03; and (e) providing \$150,000 annually for contract monitor travel costs that were inadvertently removed. Total funding for contract beds would be \$79,353,900 in 2001-02 and \$43,684,800 in 2002-03. Funding would support an average of 4,397 contract beds in 2001-02 and 2,309 contract beds in 2002-03, and would fund the costs of temporary lockup of intensive sanctions and correctional center system inmates, detention of probation and parole violators in county jails and two county jail programs.

**Senate:** Reduce funding for prison contract beds by \$293,300 in 2001-02 and provide \$4,347,400 in 2002-03 as follows: (a) \$273,000 in 2001-02 and \$8,768,800 in 2002-03 associated with a delay in the opening of the New Lisbon Correctional Institution, the Highview Geriatric Facility and the Winnebago inmate workhouse until January 1, 2004; and (b) -\$566,300 in 2001-02 and -\$4,421,400 in 2002-03 associated with the utilization of the intensive sanctions program.

**Conference Committee/Legislature:** Provide an additional \$5,396,200 in 2002-03 for the placement of an average of an additional 336 inmates in out-of-state contract facilities associated with a delay in the opening of the New Lisbon Correctional Institution and the Highview Geriatric Facility until June 1, 2003. Total funding for contract beds would be \$79,353,900 in 2001-02 and \$49,081,000 in 2002-03. Funding would support an average of 4,397 contract beds in 2001-02 and 2,645 contract beds in 2002-03, and would fund the costs of temporary lockup of intensive sanctions and correctional center system inmates, detention of probation and parole violators in county jails and two county jail programs.

#### **4. STAFFING INCREASES ASSOCIATED WITH PRISON EXPANSIONS [LFB Papers 327 and 328]**

**Governor:** Provide funding and positions over the 2001-03 biennium associated with the operation of an additional 3,303 prison beds. Of the total, 3,000 are related to the operation of new correctional facilities, with the remaining 303 beds associated with expansions at existing institutions. The following table identifies the institution, the total number of additional beds and the total operational and staffing increases provided in the bill.

<u>Institution</u>	<u>Additional Beds</u>	<u>2001-02 (All Funds)</u>		<u>2002-03 (All Funds)</u>	
		<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>
Stanley	1,500	\$20,615,000	340.21	\$23,030,700	400.00
New Lisbon	750	3,635,700	237.14	14,910,000	280.00
Highview Geriatric	300	5,028,200	217.00	11,053,300	217.00
Taycheedah <sup>1</sup>	253	2,364,800	61.00	2,995,700	61.00
Oshkosh <sup>2</sup>	50	260,400	10.00	440,500	10.00
Inmate Workhouses <sup>3</sup>	300	2,596,800	50.00	3,238,300	50.00
Sturtevant P&P Hold <sup>4</sup>	150	1,756,500	50.00	3,063,300	50.00
Total	3,303	\$36,257,400	965.35	\$58,731,800	1,068.00

<sup>1</sup>Of the total number of additional beds, 64 segregation beds will not result in increased prison capacity.

<sup>2</sup>The additional 50 segregation beds will not result in increased prison capacity.

<sup>3</sup>The Winnebago inmate workhouse is scheduled to open in February, 2002; the Sturtevant inmate workhouse in June, 2002.

<sup>4</sup>The Sturtevant probation and parole hold facility is scheduled to open in June, 2002. These beds will not result in increased prison capacity.

**Joint Finance:** Reduce funding for staffing of prison expansions by a total of \$20,729,900 and 535.64 positions in 2001-02 and \$5,110,800 and 2.67 positions in 2002-03. The following table identifies the institution, the total number of additional beds and the total operational and staffing increases provided.

<u>Institution</u>	<u>Beds</u>	<u>2001-02 (All Funds)</u>		<u>2002-03 (All Funds)</u>	
		<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>
Stanley	1,500	\$11,725,800	338.71	\$22,864,800	398.50
New Lisbon <sup>1</sup>	750	0	0.00	10,668,300	280.00
Highview Geriatric <sup>1</sup>	300	276,900	5.00	9,804,200	215.83
Taycheedah <sup>2</sup>	253	2,349,900	61.00	2,978,400	61.00
Oshkosh <sup>3</sup>	50	0	0.00	392,600	10.00
Inmate Workhouses <sup>4</sup>	300	1,174,900	25.00	3,833,300	50.00
Sturtevant P&P Hold <sup>5</sup>	150	0	0.00	3,079,400	50.00
Total	3,303	\$15,527,500	429.71	\$53,621,000	1,065.33

<sup>1</sup>Opening of the facility was delayed from July, 2002, to January, 2003.

<sup>2</sup>Of the total number of additional beds, 64 segregation beds will not result in increased prison capacity.

<sup>3</sup>The additional 50 segregation beds will not result in increased prison capacity. Opening of the facility was delayed from March, 2002, to January, 2003.

<sup>4</sup>Opening of the Winnebago workhouse was delayed from February, 2002, to May, 2002. Opening of the Sturtevant workhouse was delayed from June, 2002 to January, 2003.

<sup>5</sup>Opening of the Sturtevant probation and parole hold facility was delayed from June, 2002, to January, 2003. These beds will not result in increased prison capacity.

**Senate:** Reduce funding for staffing of prison expansions by an additional \$1,451,800 and 30.0 positions in 2001-02 and \$22,878,100 and 530.83 positions in 2002-03. The following table

identifies the institution, the total number of additional beds and the total operational and staffing increases provided.

<u>Institution</u>	<u>Beds</u>	<u>2001-02 (All Funds)</u>		<u>2002-03 (All Funds)</u>	
		<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>
Stanley	1,500	\$11,725,800	338.71	\$22,864,800	398.50
New Lisbon <sup>1</sup>	750	0	0.00	0	0.00
Highview Geriatric <sup>1</sup>	300	0	0.00	0	0.00
Taycheedah <sup>2</sup>	253	2,349,900	61.00	2,978,400	61.00
Oshkosh <sup>3</sup>	50	0	0.00	0	0.00
Inmate Workhouses <sup>4</sup>	300	0	0.00	1,820,300	25.00
Sturtevant P&P Hold <sup>5</sup>	150	0	0.00	3,079,400	50.00
Total	3,303	\$14,075,700	399.71	\$30,742,900	534.50

<sup>1</sup>Opening of the facility was delayed from July, 2002, to January, 2004.

<sup>2</sup>Of the total number of additional beds, 64 segregation beds will not result in increased prison capacity.

<sup>3</sup>The additional 50 segregation beds will not result in increased prison capacity. Opening of the facility was delayed from March, 2002, to January, 2004.

<sup>4</sup>Opening of the Winnebago workhouse was delayed from February, 2002, to January, 2004. Opening of the Sturtevant workhouse was delayed from June, 2002 to January, 2003.

<sup>5</sup>Opening of the Sturtevant probation and parole hold facility was delayed from June, 2002, to January, 2003. These beds will not result in increased prison capacity.

**Conference Committee/Legislature:** Reduce funding for staffing of prison expansions by an additional \$276,900 and 5.00 positions in 2001-02 and \$7,948,000 in 2002-03, to reflect the delayed opening of the New Lisbon Correctional Institution, the Highview Geriatric Facility and the Oshkosh Correctional Institution segregation unit. The following table identifies the institution, the total number of additional beds and the total operational and staffing increases provided.

<u>Institution</u>	<u>Beds</u>	<u>2001-02 (All Funds)</u>		<u>2002-03 (All Funds)</u>	
		<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>
Stanley	1,500	\$11,725,800	338.71	\$22,864,800	398.50
New Lisbon <sup>1</sup>	750	0	0.00	6,742,800	280.00
Highview Geriatric <sup>1</sup>	300	0	0.00	5,913,900	215.83
Taycheedah <sup>2</sup>	253	2,349,900	61.00	2,978,400	61.00
Oshkosh <sup>3</sup>	50	0	0.00	260,400	10.00
Inmate Workhouses <sup>4</sup>	300	1,174,900	25.00	3,833,300	50.00
Sturtevant P&P Hold <sup>5</sup>	150	0	0.00	3,079,400	50.00
Total	3,303	\$15,250,600	424.71	\$45,673,000	1,065.33

<sup>1</sup>Opening of the facility was delayed from July, 2002, to June, 2003.

<sup>2</sup>Of the total number of additional beds, 64 segregation beds will not result in increased prison capacity.

<sup>3</sup>The additional 50 segregation beds will not result in increased prison capacity. Opening of the facility was delayed from March, 2002, to June, 2003.

<sup>4</sup>Opening of the Winnebago workhouse was delayed from February, 2002, to May, 2002. Opening of the Sturtevant workhouse was delayed from June, 2002 to January, 2003.

<sup>5</sup>Opening of the Sturtevant probation and parole hold facility was delayed from June, 2002, to January, 2003. These beds will not result in increased prison capacity.

5. **STANLEY CORRECTIONAL INSTITUTION STAFFING AND LEASE COSTS** [LFB Paper 327]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$43,468,900	397.00	- \$9,030,300	- 1.30	\$34,438,600	395.70
PR	<u>176,800</u>	<u>3.00</u>	<u>- 24,800</u>	<u>- 0.20</u>	<u>152,000</u>	<u>2.80</u>
Total	\$43,645,700	400.00	- \$9,055,100	- 1.50	\$34,590,600	398.50

**Governor:** Provide \$20,593,700 GPR and 337.21 GPR positions and \$21,300 PR and 3.0 PR positions in 2001-02 and \$22,875,200 GPR and 397.0 GPR positions and \$155,500 PR and 3.0 PR positions in 2002-03 to operate the 1,500-bed Stanley Correctional Institution. The facility has been privately constructed in Stanley, Wisconsin, by Dominion Venture Group, LLC, of Edmund, Oklahoma. Modify current law to name any correctional institution that has been constructed by a private person and leased or purchased by the state for use by Corrections as a state prison.

On September 1, 2000, DOA entered into an agreement with Stanley Correctional Properties, LLC (SCP) to lease, with an option to purchase, the Stanley Correctional Facility. Under the agreement to lease, SCP agreed to: (a) provide state access to the facility beginning on September 1, 2000, to prepare the facility for prison use; and (b) make certain changes to the facility. In exchange, DOA agreed to: (a) include a request for authorization of the lease and funds for operation of the facility in the 2001-03 biennial budget; and (b) pay operating expenses at the facility after entering into the agreement. If a lease is entered into for the facility, and as consideration for the right to occupy the facility, the agreement to lease states that DOA is required to pay SCP \$7,370,545.50 for rent of the facility from September 1, 2000, to June 30, 2001, (plus interest if the payment is made after September 1, 2001), on or before 30 days after the effective date of the budget bill. The executive budget book indicates that the Facility will be purchased by the State by December, 2001, and open in July, 2002. Under the option to purchase agreement, the purchase price, subject to adjustments described below, is \$76,916,000, unless the Facility is purchased before February 28, 2002. In that case, the purchase price would be reduced by \$2 million, to \$74,916,000. The purchase price would be adjusted at the time of purchase by the following: (a) the state would be responsible for all real estate taxes under the lease; (b) the state would pay all special assessments levied or assessed after May 31, 2000; (c) the state would pay the recording fee for the deed; and (d) the state would pay any amounts due under the lease through the date of purchase.

At the December, 1999, s. 13.10 meeting, \$103,500 GPR in 1999-00 and \$447,100 GPR in 2000-01 and 9.0 GPR positions annually were provided to: (a) address issues of correctional institution crowding and long-range planning; (b) staff correctional facilities. Of the 9.0 GPR positions, Corrections allocated 2.0 positions to enhanced staff recruitment efforts. The remaining 7.0 GPR positions were allocated to the Stanley Correctional Facility as follows: 1.0 warden, 1.0 secretary for the warden, 1.0 human resources director, 1.0 business director, 1.0

buildings and grounds superintendent, 1.0 electronics technician and 1.0 security director. In 2000-01, \$367,200 GPR is budgeted for these positions.

The bill includes the following positions for the Stanley facility beginning in 2001-02: 1.0 GPR deputy warden, 1.0 GPR program assistant in the warden's office, 4.0 GPR personnel positions, 3.0 GPR positions associated with inmate complaints, 10.5 GPR financial services positions, 11.5 GPR food service positions, 16.0 GPR maintenance positions, 5.0 GPR institutional stores and canteen positions, 1.0 GPR institutional programs director, 1.0 GPR program assistant for the institutional programs director, 6.0 GPR records office positions, 2.0 GPR chaplains, 33.0 GPR education/recreation positions (1.0 GPR education director, 15.0 GPR teachers, 7.0 GPR teacher assistants, 1.0 GPR librarian, 1.0 GPR librarian assistant, 1.0 GPR client services assistant, 4.0 GPR recreation leaders and 3.0 GPR program assistants), 5.0 GPR psychological services positions (1.0 GPR psychologist supervisor, 3.0 GPR psychologists and 1.0 GPR program assistant), 26.25 GPR health service unit positions (1.0 GPR physician, 1.0 GPR dentist, 2.0 GPR dental assistants, 0.5 GPR dental hygienist, 1.0 GPR nursing supervisor, 1.0 GPR nurse practitioner, 10.75 GPR nurse clinicians, 6.5 GPR licensed practical nurses, 0.5 GPR diagnostic radiological technician and 2.0 GPR program assistants) 13.67 GPR positions for institutional security supervision for administration, security and training, 49.86 GPR housing unit positions generally associated with the first two of five housing units to open (5.0 GPR unit supervisors, 35.86 GPR correctional officers, 8.0 social workers and 1.0 GPR program assistant), a segregation unit with 17.04 GPR positions (1.0 unit supervisor, 2.0 crisis intervention workers, 1.0 social worker and 13.04 correctional officers), 127.39 GPR correctional officers for institutional security, 3.0 GPR program review committee staff and 3.0 PR prison industry staff. In 2002-03, the bill would provide an additional 59.79 GPR positions to open the remaining three housing units (53.79 GPR officers and 6.0 GPR social workers).

The following table summarizes total funding (all funds) associated with the Stanley Correctional Institution.

<u>Item</u>	<u>2001-02</u>	<u>2002-03</u>
Personnel Costs	\$2,572,700	\$15,686,400
Supplies	1,213,100	2,434,100
Lease Payments	11,457,500	0
Property Taxes	1,562,000	0
Sewer and Water Payments to City	272,000	272,000
Inmate Food, Health and Supplies	0	4,249,400
Correctional Officer Training	1,362,300	388,800
Startup Costs	1,685,100	0
Vehicle Purchases	490,300	0
Total	\$20,615,000	\$23,030,700

**Joint Finance:** Modify the provision as follows:

a. Adjust funding by -\$34,500 GPR and -1.3 GPR positions and \$2,800 PR and -0.2 PR position in 2001-02 and -\$138,300 GPR and -1.3 GPR positions and -\$27,600 PR and -0.2 PR position in 2002-03 to reflect the partial PR support of 1.0 storekeeper position, the deletion of 0.5 GPR program assistant for security administration, the deletion of 1.0 PR industries specialist associated with a potential private industry project, adjustments associated with reduced correctional officer preservice training costs, and turnover reduction and overtime calculation modifications.

b. Delete \$11,457,500 GPR in 2001-02 for lease costs. Require DOA to renegotiate the Stanley Correctional Facility lease agreement and submit a report to the Joint Committee on Finance for its approval specifying the final lease payment and the source of that funding.

c. Provide \$2,600,000 GPR in 2001-02 for carrying costs associated with the facility of \$650,000 per month for up to four months.

d. Remove the provision that would allow Corrections to maintain and govern any correctional institution that has been constructed by a private person and leased or purchased by the state for use by the Department.

e. Specify that the Building Commission may not lease or acquire or authorize the leasing or acquisition of any building, structure, or facility or portion thereof for initial occupancy by the Department of Corrections for the purpose of confining persons serving a sentence of imprisonment to the Wisconsin state prisons or for the purpose of confining juveniles alleged or found to be delinquent unless the construction of the building, structure, or facility or the conversion of the building, structure, or facility into a correctional facility either was completed before January 1, 2001, or began after the building, structure, or facility was enumerated in the authorized state building program.

f. Define the following terms:

(1) "Authorized jurisdiction" means a county, two counties, jointly establishing a jail, the United States, or a federally recognized American Indian tribe or band in this state.

(2) "Correctional facility" means a building, structure, or facility or portion thereof to be used to confine persons serving a sentence of imprisonment to the Wisconsin state prisons or to confine juveniles alleged or found to be delinquent.

g. Specify that no person may commence construction of a correctional facility or commence the conversion of an existing building, structure, or facility into a correctional facility unless the building, structure, or facility is enumerated in the authorized state building program. This provision does not apply to any of the following:

(1) A building, structure, or facility that is constructed or converted under a contract with, and for use by, an authorized jurisdiction (a county, two counties jointly establishing a jail, the United States, or a federally recognized American Indian tribe or band in this state).

(2) A building, structure or facility the construction of which was completed before January 1, 2001, if the building, structure, or facility was designed to confine persons convicted of criminal offenses.

In addition, enumerate a \$79,917,000 project (\$74,915,600 in general fund supported borrowing and \$5,001,400 in federal funds) entitled "Correctional facility purchase-Stanley" in the 2001-03 state building program under the Department of Corrections.

Modify current law to specify that the correctional institution at Stanley enumerated in the 2001-03 state building program be listed as a state prison and named "the correctional institution at Stanley."

**Senate/Legislature:** Modify the Joint Finance provision related to the Stanley Correctional Institution staffing and lease costs as follows:

a. Specify that the Department of Corrections is required to pay the owners of the Stanley facility \$650,000 per month for carrying costs for the period beginning on July 1, 2001, and ending on the earlier of October 31, 2001, or the date on which the Building Commission purchases the facility. Specify that if the Building Commission purchases the facility before October 31, 2001, the carrying costs for the month in which the purchase takes place be prorated.

b. Modify the definition of "correctional facility" to mean an institution or facility or portion of an institution or facility, that is used to confine juveniles alleged or found delinquent or a prison, jail, house of correction or lockup facility, but not a secured group home.

c. Specify that the Building Commission may not lease or acquire a building for the purpose of confining persons, unless one of the following applies: (1) if the building, structure or facility was converted for use as a prison, the conversion either was completed before January 1, 2001, or was enumerated in the state building program; or (2) if the building, structure or facility was constructed as a prison, the construction was completed before January 1, 2001, or was enumerated in the state building program.

[Act 16 Sections: 108b, 108c, 108e, 994d, 3337m, 3353m, 9107(1)(b)1.&2., 9111(5gk)&(9q) and 9307(1x)]

## 6. NEW LISBON CORRECTIONAL INSTITUTION STAFFING [LFB Paper 328]

	Governor (Chg. to Base)		Jt. Finance (Chg. to Gov)		Legislature (Chg. to JFC)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$18,373,300	277.00	- \$7,814,200	- 0.40	- \$3,925,500	0.00	\$6,633,600	276.60
PR	172,400	3.00	- 63,200	0.40	0	0.00	109,200	3.40
Total	\$18,545,700	280.00	- \$7,877,400	0.00	- \$3,925,500	0.00	\$6,742,800	280.00

**Governor:** Provide \$3,608,300 GPR and 234.14 GPR positions and \$27,400 PR and 3.0 PR positions in 2001-02 and \$14,765,000 GPR and 277.0 GPR positions and \$145,000 PR and 3.0 PR positions in 2002-03 to operate the 750-bed New Lisbon Correctional Institution. The facility is scheduled to open in July, 2002. The executive budget book indicates that the facility will focus on inmates with developmental delays or mental health problems. Initial funding and staffing for the New Lisbon facility was provided in 1999 Act 9 (\$728,700 GPR and 9.0 GPR positions in 2000-01).

Under the bill, positions in 2001-02 are funded for five months or less. The recommended institutional staffing includes the following positions in 2001-02: 1.0 GPR deputy warden, 2.0 GPR personnel positions, 2.0 GPR inmate complaint examiners, 6.0 GPR financial services positions, 10.0 GPR food service positions, 14.0 GPR maintenance positions, 4.0 GPR institutional stores positions, 1.0 GPR program assistant for the institutional programs director, 4.0 GPR records office positions, 1.0 GPR chaplain, 19.0 GPR education/recreation positions (1.0 education director, 13.0 teachers, 1.0 librarian, 3.0 recreation leaders and 1.0 program assistant), 5.0 GPR psychological services positions (1.0 psychologist supervisor, 3.0 psychologists and 1.0 program assistant), 11.0 GPR security supervisors for administration, security and training, one housing unit with 21.93 positions for alcohol and other drug abuse treatment (1.0 unit supervisor, 17.93 correctional officers and 3.0 social workers), one housing unit for inmates with special needs with 18.93 GPR positions (1.0 unit supervisor and 17.93 correctional officers), two housing units each with 1.0 unit supervisor, a segregation unit with 15.04 GPR positions (1.0 crisis intervention worker, 1.0 social worker and 13.04 correctional officers), 92.74 GPR correctional officers for institutional security, 0.5 GPR nursing consultant, 3.0 GPR program review committee staff and 3.0 PR prison industry staff. In 2002-03, an additional 42.86 GPR positions are created to staff the special management unit (2.0 social workers and 1.0 psychologist) and the two housing units (4.0 social workers and 35.86 correctional officers).

The bill includes \$1,103,400 GPR in 2001-02 and \$259,200 GPR in 2002-03 for correctional officer training, \$2,095,800 GPR in 2002-03 for contracted health services, \$410,000 GPR in 2001-02 for institutional start-up costs and \$47,900 GPR in 2001-02 for vehicle purchases.

Identify the New Lisbon Correctional Institution as a medium-security correctional institution that Corrections is required to establish and name the facility as a state prison.

**Joint Finance:** Delete \$3,608,300 GPR and 234.14 GPR positions and \$27,400 PR and 3.0 PR positions in 2001-02 and delete \$4,205,900 GPR and 0.4 GPR position and \$35,800 PR in 2002-03 and provide 0.4 PR position in 2002-03 to operate the New Lisbon Correctional Institution. This reflects the following modifications: (a) partially supports 1.0 storekeeper position associated with the inmate canteen with PR; (b) modifies turnover reduction and overtime calculations; (c) reduces correctional officer preservice training costs; and (d) delays the opening of the institution from July, 2002, to January, 2003.

**Senate:** Delete funding and positions provided for the New Lisbon Correctional Institution and specify that the facility could not open prior to January 1, 2004.

**Conference Committee/Legislature:** Reduce funding by \$3,925,500 GPR in 2002-03 to reflect a delayed opening date of June 1, 2003.

[Act 16 Sections: 3337 and 3353m]

**7. HIGHVIEW GERIATRIC CORRECTIONAL FACILITY STAFFING [LFB Paper 328]**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Legislature (Chg. to JFC)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$16,081,500	217.00	-\$6,013,700	- 1.57	-\$4,167,200	0.00	\$5,900,600	215.43
PR	0	0.00	13,300	0.40	0	0.00	13,300	0.40
Total	\$16,081,500	217.00	-\$6,000,400	- 1.17	-\$4,167,200	0.00	\$5,913,900	215.83

**Governor:** Provide \$5,028,200 in 2001-02 and \$11,053,300 in 2002-03 and 217.0 positions annually to operate the 300-bed Highview Geriatric Correctional Facility on the grounds of the Department of Health and Family Service's Northern Center for the Developmentally Disabled in Chippewa Falls. The facility is scheduled to open in July, 2002.

The institutional staffing would include the following positions: 1.0 warden, 1.0 deputy warden, 1.0 secretary for the warden, 3.0 personnel positions, 1.0 inmate complaint examiner, 2.0 financial services positions, 4.0 business office positions, 1.0 institutional stores position, 4.5 food service positions, 2.0 records office positions, 1.0 chaplain, 1.0 librarian, 2.0 positions for institutional security (1.0 security director and 1.0 program assistant), 11.78 security supervisors for administration, security and training, one housing unit with 43.29 positions (1.0 unit supervisor, 13.04 correctional officers, 1.0 social worker, 1.0 chief psychologist, 1.0 program assistant, 1.0 nursing supervisor, 5.0 nurse clinicians, 8.5 licensed practical nurses and 11.75 nursing assistants), two housing units with 41.79 positions (1.0 unit supervisor, 13.04 correctional officers, 1.0 social worker, 0.5 psychologist, 1.0 nursing supervisor, 5.0 nurse clinicians, 8.5 licensed practical nurses and 11.75 nursing assistants), 43.35 correctional officers for institutional security, 8.5 institutional health care staff (1.0 physician, 0.5 psychiatrist, 1.0 nursing supervisor, 1.0 nurse practitioner, 0.5 dentist, 0.5 dental assistant, 0.5 dental hygienist, 0.5 phlebotomist, 1.0 occupational therapist, 1.0 physical therapist and 1.0 medical records technician) and 2.0 program review committee staff.

The bill includes \$1,089,800 in 2001-02 for institutional start-up costs (inmate clothing, cleaning supplies, linens and supplies for the facility canteen, food service, health services unit and the facility generally) and \$218,500 in 2001-02 for vehicle purchases. Maintenance services, food service, laundry and other miscellaneous services would be provided through contracts with Northern Center.

**Joint Finance:** Delete \$4,751,300 GPR and 212.0 GPR positions in 2001-02 and \$1,262,400 GPR and 1.57 GPR positions in 2002-03 and provide \$13,300 PR and 0.4 PR position in 2002-03 to operate the Highview Geriatric Facility. This reflects the following modifications: (a)

partially supports 1.0 storekeeper position associated with the inmate canteen with PR; (b) modifies turnover reduction and overtime calculations; (c) makes adjustments associated with reduced correctional officer preservice training costs; (d) appropriately staffs nursing positions; and (e) delays the opening of the facility from July, 2002, to January, 2003.

**Senate:** Delete funding and positions provided for the Highview Geriatric Facility and specify that the facility could not open prior to January 1, 2004.

**Conference Committee/Legislature:** Reduce funding by \$276,900 GPR and 5.0 GPR positions in 2001-02 and \$3,890,300 GPR in 2002-03 to reflect a delayed opening date of June 1, 2003.

## 8. TAYCHEEDAH CORRECTIONAL INSTITUTION SEGREGATION, MENTAL HEALTH AND HOUSING UNIT STAFFING [LFB Paper 328]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$5,360,500	61.00	- \$32,200	0.00	\$5,328,300	61.00

**Governor:** Provide \$2,364,800 in 2001-02 and \$2,995,700 in 2002-03 and 61.0 positions annually for staffing of a new 125-bed housing unit, a 64-bed segregation unit and a 64-bed mental health unit at the Taycheedah Correctional Institution. These facilities are scheduled to open in January, 2002. The recommended staffing for the new units includes: 18.3 positions for the 125-bed housing unit (1.0 unit supervisor, 1.0 social worker and 16.3 correctional officers), 9.15 positions for the 64-bed segregation unit (1.0 crisis intervention worker and 8.15 correctional officers), 30.55 positions for the 64-bed mental health unit (3.0 psychologists, 1.0 crisis intervention worker, 1.0 nurse practitioner, 1.0 nursing supervisor, 4.0 psychiatric nurses, 1.75 social workers, 1.0 treatment specialist and 17.8 correctional officers).

In addition, the bill provides the following positions at Taycheedah to provide support associated with the new units: 1.0 security supervision position, 1.0 purchasing agent and 1.0 food service position. The recommendation includes \$349,500 in 2001-02 for correctional officer training, \$26,500 in 2001-02 and \$53,000 in 2002-03 for a contracted psychiatrist and \$166,200 in 2001-02 for institutional start-up costs.

**Joint Finance/Legislature:** Delete \$14,900 in 2001-02 and \$17,300 in 2002-03 related to turnover reduction and overtime calculation adjustments, and adjustments associated with reduced correctional officer preservice training costs.

**9. OSHKOSH CORRECTIONAL INSTITUTION SEGREGATION UNIT STAFFING**  
[LFB Paper 328]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance (Chg. to Gov)</b>		<b>Legislature (Chg. to JFC)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$700,900	10.00	-\$308,300	0.00	-\$132,200	0.00	\$260,400	10.00

**Governor:** Provide \$260,400 in 2001-02 and \$440,500 in 2002-03 and 10.0 positions annually for staffing of a new 50-bed segregation unit at the Oshkosh Correctional Institution. The facility is scheduled to open in March, 2002. The recommended staffing for the new unit includes 0.5 crisis intervention worker and 9.5 correctional officers. The bill includes \$68,700 in 2001-02 for correctional officer training and \$31,300 in 2001-02 for start-up costs.

**Joint Finance:** Delete \$260,400 and 10.0 positions in 2001-02 and \$47,900 in 2002-03 associated with the Oshkosh Correctional Institution segregation unit related to turnover reduction and overtime calculations adjustments, correctional officer preservice training costs reductions and a delay in the opening of the facility from March, 2002, to January, 2003.

**Senate:** Delete funding and positions provided for the Oshkosh Correctional Institution segregation unit and specify that the unit may not open prior to January 1, 2004.

**Conference Committee/Legislature:** Modify the Joint Finance provision by reducing funding by \$132,200 GPR in 2002-03 to reflect delayed opening date of June 1, 2003.

**10. INMATE WORKHOUSES** [LFB Paper 328]

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$5,835,100	50.00	-\$826,900	0.00	\$5,008,200	50.00

**Governor:** Provide \$2,596,800 in 2001-02 and \$3,238,300 in 2002-03 and 50.0 positions annually to staff and operate two 150-bed inmate workhouses (one at the Winnebago Correctional Center and the other in the Sturtevant area). The Winnebago facility is scheduled to open in February, 2002 and the Sturtevant facility in June, 2002. Staffing at the Sturtevant facility would also provide administrative and support services for the Sturtevant probation and parole hold facility. The recommended staffing for the Winnebago facility includes the following: 13.0 correctional officers for housing unit security, 1.0 correctional officer for mailroom, property and transportation, 2.0 supervising officers, 2.0 correctional officers for work release coordination, 2.0 correctional officers for work crew supervision, 1.0 social worker, 1.0 maintenance position, 1.0 food service position and 2.0 program assistants for administration. Administrative supervision at the Winnebago workhouse will be provided by

the Winnebago Correctional Center. The recommended staffing for the Sturtevant facility includes the following: 1.0 correctional center superintendent, 2.0 program assistants for administration, 12.0 correctional officers for housing unit security, 1.0 correctional officer for mailroom, property and transportation, 2.0 supervising officers, 2.0 correctional officers for work release coordination, 2.0 correctional officers for work crew supervision, 1.0 social worker, 1.0 maintenance position and 1.0 food service position.

The bill includes \$281,900 in 2001-02 for correctional officer training, \$474,600 in 2001-02 for startup costs, \$493,700 in 2001-02 for vehicles, \$58,000 in 2001-02 and \$297,400 in 2002-03 for contracted health services, and \$103,000 in 2001-02 and \$247,200 in 2002-03 for purchase of services for inmates.

**Joint Finance:** Delete \$1,421,900 and 25.0 positions in 2001-02 and provide \$595,000 in 2002-03 for the inmate workhouses. This reflects the following: (a) modifies turnover reduction and overtime calculations; (b) reduces correctional officer preservice training costs; (c) increases funding for health care costs; and (d) delays the opening of the Winnebago facility from February, 2002, to May, 2002 and the Sturtevant facility from June, 2002, to January, 2003.

**Senate:** Delete \$1,174,900 and 25.0 positions in 2001-02 and \$2,013,000 and 25.0 positions in 2002-03 provided for the Winnebago inmate workhouse and specify that the unit may not open prior to January 1, 2004.

**Conference Committee/Legislature:** Retain Joint Finance provision.

## 11. STURTEVANT PROBATION AND PAROLE HOLD FACILITY [LFB Paper 328]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$4,819,800	50.00	-\$1,740,400	0.00	\$3,079,400	50.00

**Governor:** Provide \$1,756,500 in 2001-02 and \$3,063,300 in 2002-03 and 50.0 positions annually to staff the Sturtevant Probation and Parole Hold Facility. The 150-bed regional hold facility is scheduled to open in June, 2002. The requested staffing includes the following positions: 13.04 correctional officers for the housing unit, 9.57 correctional officers for inmate intake, 9.5 correctional officers for inmate transportation, 11.64 correctional officers for other institutional security duties, 1.75 positions for psychological services, 1.0 electronics technician position, 1.5 food service positions, 1.0 records assistant and 1.0 program assistant for administration.

The bill includes \$316,300 in 2001-02 for correctional officer training, \$5,500 in 2001-02 and \$148,700 in 2002-03 for contracted health services, \$405,700 in 2001-02 for institutional start-up costs, \$233,700 in 2001-02 for vehicle purchases and \$4,200 in 2001-02 and \$50,000 in 2002-03 to

purchase interpretive and religious services. The hold facility will be located with the Sturtevant inmate workhouse, also being constructed.

**Joint Finance/Legislature:** Delete \$1,756,500 and 50.0 positions in 2001-02 and provide \$16,100 in 2002-03. This reflects the following: (a) modifies turnover reduction and overtime calculations; (b) reduces correctional officer preservice training costs; (c) increases funding for health care costs in 2002-03; and (d) delays the opening of the facility from June, 2002, to January, 2003.

## 12. MILWAUKEE SECURE DETENTION FACILITY FULL FUNDING OF NON-SALARY COSTS [LFB Paper 329]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$17,366,000	- \$3,614,600	\$13,751,400

**Governor:** Provide \$8,623,700 in 2001-02 and \$8,742,300 in 2002-03 to fully fund non-salary costs at the 1,048-bed Milwaukee Secure Detention Facility (MSDF), scheduled to open in August, 2001. The funding would be divided as follows: (a) inmate-related food and supplies costs, \$4,174,800 annually; (b) inmate contracted health services, \$2,667,100 in 2001-02 and \$2,779,100 in 2002-03; (c) supplies and services, \$1,331,600 in 2001-02 and \$1,338,200 in 2002-03; (d) fuel and utilities, \$281,700 annually; (e) educational services, \$120,000 annually; and (f) permanent property, \$48,500 annually. The bill assumes that the average daily population at MSDF would be 1,048 inmates annually.

**Joint Finance/Legislature:** Reduce funding by \$3,630,000 in 2001-02 associated with inmate-related costs. The facility is not scheduled to begin accepting inmates until October, 2001. Given that the facility will not be open for a full year in 2001-02, the average daily population of the facility will be 525 in 2001-02. In addition, provide \$15,400 in 2001-02 associated with inmate health care for inmates placed in out-of-state contract beds as a result of the delayed opening.

## 13. MINIMUM AGE LIMIT FOR SUPERMAX PLACEMENT

**Senate/Legislature:** Prohibit the Department of Corrections from placing anyone under the age of 18 at the Supermax Correctional Institution in Boscobel. Provide that, if on the effective date of the bill, any person under the age of 18 is incarcerated in Supermax, the Department must transfer the person out of the institution within 30 days. In addition, modify current law related to placement of persons under 15 years of age to change "prisoners" to "a

person," "facilities" to "facility," "institutions" to "institution" and specify that the provision applies to persons "who are sentenced to the Wisconsin state prisons."

[Act 16 Sections: 1585d, 3386d, 3879d, 4014d and 9111(6d)]

#### **14. SUPERMAX CORRECTIONAL FACILITY STUDY**

**Senate:** Require the Department of Corrections to study, in conjunction with the Department of Health and Family Services and a consortium of non-profit, community-based and faith-based organizations, the impact of the Supermax Correctional Facility on inmates. Require the Department to submit its findings and recommendations to the Legislature by July 1, 2002.

**Conference Committee/Legislature:** Delete provision.

#### **15. REDUCTION TO MILWAUKEE WOMEN'S CORRECTIONAL FACILITY PROJECT**

**Joint Finance:** Enumerate a \$8.1 million project funded with general fund supported bonding entitled "Women's Correctional Center -- Milwaukee" in the 2001-03 state building program under the Department of Corrections.

**Assembly/Legislature:** Reduce the general obligation bonding authorization for the Department of Corrections by \$3.0 million associated with a reduction to the women's correctional facility project in Milwaukee. Decrease the enumeration of the facility in the 2001-03 state building program from \$8.1 million to \$5.1 million to reflect the reduction in bonding.

[Act 16 Section: 9107(1)(b)1.]

#### **16. CONTINUED USE OF PRAIRIE DU CHIEN FACILITY AS ADULT PRISON**

**Governor/Legislature:** Extend the period for operating the secured juvenile correctional facility at Prairie du Chien as an adult prison for inmates who are not more than 21 years of age and who are not violent offenders, as determined by the Department of Corrections, to July 1, 2003. Under current law, the secured juvenile correctional facility at Prairie du Chien may be operated, until July 1, 2001, as an adult prison for inmates who are not more than 21 years of age and who are not violent offenders, as determined by Corrections.

Under 1995 Act 27 (the 1995-97 biennial budget), the Prairie du Chien Correctional Facility was designed as a juvenile correctional facility. In 1997 Act 4, Corrections was authorized to utilize Prairie du Chien as a facility for young adult prisoners from July 1, 1997, until July 1, 1998. In 1997 Act 27 (the 1997-99 biennial budget), the authority to operate the Facility as an adult prison was extended until July 1, 1999. Also, 1997 Act 27 specified that inmates at the Facility could not be more than 21 years of age and must be nonviolent offenders,

as determined by the Department of Corrections. In 1999 Act 9 (the 1999-01 biennial budget), the authority to use the prison for nonviolent, youthful adult offenders was again extended until July 1, 2001.

[Act 16 Section: 4035]

# **17. ADULT CORRECTIONAL FACILITIES INCREASED STAFFING FOR POPULATION MANAGEMENT [LFB Paper 330]**

	<b>Governor (Chg. to Base) Funding Positions</b>		<b>Jt. Finance/Leg. (Chg. to Gov) Funding Positions</b>		<b>Net Change Funding Positions</b>	
GPR	\$4,799,800	56.08	-\$451,000	0.00	\$4,348,800	56.08

**Governor:** Provide \$2,295,100 in 2001-02 and \$2,504,700 in 2002-03 and 56.08 positions annually in the adult correctional system to provide staff and funding associated with the return of inmates from out-of-state contract prison facilities. Positions are provided as follows: (a) Dodge Correctional Institution, 27.17 positions annually (18.17 correctional officers for property/mail, internal escort and transportation, 2.0 offender records positions, 1.0 financial specialist, 1.0 social worker, 3.0 nurse clinicians, 1.0 dental hygienist and 1.0 health information technician); (b) Racine Correctional Institution, 23.91 positions annually (14.91 correctional officers for property/mail, internal escort and transportation, 2.0 offender records positions, 1.0 financial specialist, 1.0 social worker, 3.0 nurse clinicians, 1.0 dental hygienist and 1.0 health information technician); (c) medical services at the Dodge and Racine Correctional Institutions, 1.0 physician annually; and (d) offender classification, 4.0 positions annually (2.0 offender classification specialists and 2.0 program assistants). Under the bill, the 18.17 officer positions at the Dodge Correctional Institution and the 14.91 officer positions at the Racine Correctional Institution are created as two-year project positions. The bill includes \$239,100 in 2001-02 for correctional officer training and \$22,800 in 2001-02 for a 12-passenger van for Racine Correctional Institution.

**Joint Finance/Legislature:** Delete \$437,900 and 10.5 positions in 2001-02 and \$13,100 in 2002-03, and provide that all positions are two-year project positions. These modifications are associated with the computation of overtime costs, turnover reductions and preservice training costs and the delays in the opening of the Highview Geriatric Facility and the inmate workhouses.

# **18. CORRECTIONAL HEALTH CARE SERVICES**

**Governor:** Provide \$559,300 GPR and 28.75 GPR positions and \$27,000 PR in 2001-02 and \$655,200 GPR and 28.75 GPR positions and \$27,000 PR in 2002-03 for the following correctional health care services items:

	<b>Funding Positions</b>	
GPR	\$1,214,500	28.75
PR	54,000	0.00
Total	\$1,268,500	28.75

a. *Increased Health Services Staffing.* Provide 20.0 GPR positions annually for increased health services staffing as follows: (1) Waupun Correctional Institution, 1.75 nurse clinicians and 0.5 licensed practical nurse; (2) Green Bay Correctional Institution, 2.0 nurse clinicians; (3) Taycheedah Correctional Institution, 2.0 nurse clinicians and 0.25 licensed practical nurse; (4) Fox Lake Correctional Institution, 1.0 nurse clinician; (5) Columbia Correctional Institution, 1.0 nurse clinician; (6) Kettle Moraine Correctional Institution, 0.5 nurse clinician; (7) Dodge Correctional Institution health service unit and infirmary, 3.25 nurse clinicians, 0.75 licensed practical nurse and 2.0 medical assistants; (8) Racine Correctional Institution, 2.25 nurse clinicians; (9) Oshkosh Correctional Institution, 2.0 nurse clinicians and 0.5 licensed practical nurse; and (10) Jackson Correctional Institution, 0.25 nurse clinician. Positions would be funded through the reallocation of base resources.

b. *24-Hour Health Care Coverage.* Provide \$326,200 GPR in 2001-02 and \$387,700 GPR in 2002-03 and 5.75 GPR positions annually to provide 24-hour per day health services coverage at three correctional institutions as follows: (1) Taycheedah Correctional Institution, 1.75 nurse clinicians; (2) Columbia Correctional Institution, 2.0 nurse clinicians; and (3) Oakhill Correctional Institution, 2.0 nurse clinicians.

c. *CPR and Defibrillator Training.* Provide \$105,100 GPR and \$27,000 PR annually to pay overtime costs of providing cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training to current correctional officers, youth counselors and supervising officers in each year of the biennium.

d. *Increased Physician Coverage.* Provide \$128,000 GPR in 2001-02 and \$162,400 GPR in 2002-03 and 1.0 GPR physician position annually at the Dodge Correctional Institution to provide increased physician coverage. The additional physician position would be used to provide coverage for vacancies at institutions.

e. *Dialysis Unit Dodge Correctional Institution.* Provide \$170,800 GPR in 2001-02 and \$209,800 GPR in 2002-03 and 2.0 GPR positions annually to provide dialysis treatment to an additional four inmates. Reduce inmate health services costs by \$170,800 GPR in 2001-02 and \$209,800 GPR in 2002-03. Currently, the unit has the capacity to treat eight offenders; additional inmates needing dialysis are treated at local hospitals. The request would provide 1.0 hemodialysis technician, 0.75 nurse clinician and 0.25 correctional officer.

**Assembly:** Delete \$226,300 in 2001-02 and \$269,000 in 2002-03 and 4.0 positions annually associated with 24-hour health care at the Columbia and Oakhill Correctional Institutions.

**Conference Committee/Legislature:** Include Governor's provision.

## 19. INMATE DEATH INVESTIGATIONS

GPR	\$60,000
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**Governor/Legislature:** Provide \$30,000 annually to pay for the costs of performing autopsies on inmates who died while in the legal custody to the Department of Corrections. Create statutory language regarding inmate death investigations, applicable for deaths occurring on and after the effective date of the bill, as follows:

a. *Deaths in a Wisconsin Institution.* Specify that if an inmate dies while in a correctional facility in Wisconsin, the coroner or medical examiner in the county where the death occurred is required to perform an autopsy on the deceased individual. If the coroner or medical examiner determines that the death may have been the result of any of the following circumstances, require the coroner or medical examiner to immediately notify the district attorney about the circumstances surrounding the death: (a) felony murder; (b) first- or second-degree intentional homicide; (c) first- or second-degree reckless homicide; (d) homicide by negligent handling of a dangerous weapon, explosives or fire; (e) homicide by negligent operation of a vehicle; (f) homicide by negligent control of a vicious animal; (g) homicide by intoxicated user of a vehicle or firearm; (h) suicide; and (i) unexplained or suspicious circumstances.

Under current law, a coroner or medical examiner may request that the district attorney order an inquest into the inmate death. If the district attorney refuses to order an inquiry, the coroner or medical examiner may petition the circuit court to order the inquest. The court may issue the order if it finds that the district attorney has abused his or her discretion in not ordering an inquest. These statutory provisions remain unchanged under the bill.

b. *Deaths in an Institution Outside of Wisconsin.* Specify that if an inmate dies while in an out-of-state correctional facility under a contract with the federal government, a contract with another state or out-of-state local government or under the interstate corrections compact, Corrections would be required to have an autopsy performed by an appropriate authority in the other state or by the coroner or medical examiner of the county in which the circuit court is located that sentenced the inmate. If a coroner or medical examiner performs the autopsy in Wisconsin and determines that the inmate's death may have resulted from any of the situations identified above, the coroner or medical examiner would be required to forward the results of the autopsy to the appropriate authority in the other state.

[Act 16 Sections: 4034 and 9311(4)]

## 20. INMATE DEATH REPORTING REQUIREMENTS

**Senate/Legislature:** Require the Department of Corrections to comply with the federal Death in Custody Reporting Act. Require Corrections, on a quarterly basis, to provide the U.S. Attorney General and the Wisconsin Attorney General with information required under the

federal act for all persons under the jurisdiction of the Department of Corrections, including inmates housed out-of-state.

The federal Death in Custody Reporting Act was enacted on October 13, 2000. In order for states to receive federal violent offender incarceration and truth-in-sentencing incentive grants, a state is required to give assurances that it will follow guidelines established by the U.S. Attorney General to report, on a quarterly basis, information regarding the death of any person who is in the process of arrest, is in route to be incarcerated, or incarcerated at a municipal or county jail, state prison, or other state or local correctional facility. At a minimum, the following information is required: (a) the name, gender, race, ethnicity and age of the deceased; (b) the date, time and location of the death; and (c) a brief description of the circumstances surrounding the death.

**Veto by Governor [D-8]:** Delete provision.

[Act 16 Vetoed Section: 3330g]

## 21. MEDICAL AND DENTAL SERVICES COPAYMENT

**Governor/Legislature:** Delete the criteria that an inmate in a state prison or resident of a secured juvenile correctional facility must earn a wage during their residency in order to be charged a medical and dental copayment, to take effect with medical or dental care provided on or after the effective date of the bill. Under current law, Corrections may require a resident housed in a prison or in a secured correctional facility who earns wages during residency and who receives medical or dental services to pay a deductible, coinsurance, copayment or similar charge upon the medical or dental service that he or she receives. Statutes specify that if the resident requests the medical services or dental services, Corrections is required to collect the copayment and the charge may not be less than \$2.50 for each request. Fees collected are deposited in Corrections' program revenue appropriation for general operations. No provider of medical or dental services may deny care or services because the resident is unable to pay the copayment, but an inability to pay the charges does not relieve the resident of liability for the charges unless Corrections excepts or waives the liability under criteria establish by rule.

[Act 16 Sections: 3388 and 9311(3)]

## 22. OVERTIME COST REDUCTIONS [LFB Paper 331]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$1,550,100	20.00	- \$20,100	0.00	\$1,530,000	20.00
PR	<u>682,200</u>	<u>10.00</u>	<u>- 6,400</u>	<u>0.00</u>	<u>675,800</u>	<u>10.00</u>
Total	\$2,232,300	30.00	- \$26,500	0.00	\$2,205,800	30.00

**Governor:** Provide \$795,500 GPR and 20.0 GPR positions and \$296,300 PR and 10.0 PR positions in 2001-02 and \$754,600 GPR and 20.0 GPR positions and \$385,900 PR and 10.0 PR positions in 2002-03 to reduce the utilization of overtime funding at various adult correctional institutions and the Prairie du Chien Correctional Facility as follows: (a) \$723,200 GPR in 2001-02 and \$754,600 GPR in 2002-03 and 20.0 GPR correctional officer positions annually at the Waupun (12.0 positions), Fox Lake (1.0 position), Kettle Moraine (2.0 positions), Oakhill (1.0 position) and Jackson (2.0 positions) Correctional Institutions and the Racine Youthful Offender Correctional Facility (2.0 positions) to fund security positions which have been created at these institutions and are currently staffed using overtime; and (b) \$72,300 GPR and \$296,300 PR in 2001-02 and \$385,900 PR in 2002-03 and 10.0 PR positions annually at the Prairie du Chien Correctional Facility to fund security positions currently staffed using overtime.

**Joint Finance/Legislature:** Delete \$12,300 GPR and \$2,400 PR in 2001-02 and \$7,800 GPR and \$4,000 PR in 2002-03 associated with correctional officer position training and overtime costs and adjustments for turnover reduction calculations.

**23. DODGE CORRECTIONAL INSTITUTION TRANSPORTATION UNIT [LFB Paper 331]**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$913,000	6.25	- \$4,100	0.00	\$908,900	6.25

**Governor:** Provide \$913,000 and 6.25 positions in 2002-03 for an expansion of the inmate transportation unit at the Dodge Correctional Institution (DCI). Positions include 1.0 supervising officer and 5.25 correctional officers. Of the total funding, \$378,500 would be utilized for vehicle purchases (one motor coach and one 15-passenger van), \$233,900 for ongoing vehicle-related supplies and services and \$45,200 for correctional officer training. The current 15-person transportation unit at DCI provides all inter-institutional transportation services for the adult correctional system.

**Joint Finance/Legislature:** Delete \$4,100 in 2002-03 associated with correctional officer position training and overtime costs and adjustments for turnover reduction calculations.

**24. OAKHILL CORRECTIONAL INSTITUTION TREATMENT PLANT [LFB Paper 332]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance/Leg. (Chg. to Gov)</b>	<b>Net Change</b>
GPR	\$870,000	- \$108,900	\$761,100

**Governor:** Provide \$870,000 in 2001-02 on a one-time basis to fund projected costs of upgrading the Oregon sewage treatment plant associated with the Oakhill Correctional Institution. Funding would be placed in unallotted reserve pending a final determination of the actual amount owed.

**Joint Finance/Legislature:** Reduce funding provided for the Oakhill Correctional Institution for a Village of Oregon sewage treatment facility expansion by \$108,900 in 2001-02.

**25. NEW LISBON CORRECTIONAL INSTITUTION TREATMENT PLANT**

GPR	\$685,000
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**Governor/Legislature:** Provide \$150,000 in 2001-02 and \$535,000 in 2002-03 on a one-time basis to fund projected costs of the New Lisbon sewage treatment plant associated with the New Lisbon Correctional Institution. Funding would be placed in unallotted reserve pending a final determination of the actual amount owed.

**26. CORRECTIONAL CENTER SYSTEM ADDITIONAL CORRECTIONAL OFFICERS [LFB Paper 331]**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$236,600	3.00	-\$2,900	0.00	\$233,700	3.00

**Governor:** Provide \$115,000 in 2001-02 and \$121,600 in 2002-03 and 3.0 positions annually for increased correctional officer staffing at three northern Wisconsin centers (one officer each at the Flambeau, Gordon and McNaughton Correctional Centers.)

**Joint Finance/Legislature:** Delete \$1,700 in 2001-02 and \$1,200 in 2002-03 associated with correctional officer position training and overtime costs and adjustments for turnover reduction calculations.

**27. ADDITIONAL TEACHER POSITIONS AT ELLSWORTH CORRECTIONAL CENTER**

	<b>Funding</b>	<b>Positions</b>
GPR	\$87,300	1.00

**Senate:** Provide \$113,900 in 2001-02 and \$147,900 in 2002-03 and 3.0 teacher positions annually for increased teaching resources at the Ellsworth Correctional Center for women. Currently, Ellsworth has 5.0 teachers for 283 inmates.

**Conference Committee/Legislature:** Provide \$38,000 in 2001-02 and \$49,300 in 2002-03 and 1.0 position annually for increased teaching resources at the Ellsworth Correctional Center for women.

## 28. INMATE SECURED WORK PROGRAM

**Senate:** Delete \$171,500 GPR and 3.0 GPR positions annually in the Department of Corrections associated with the secure inmate work program ("chain gangs"). Repeal statutory provisions (s. 303.063) related to the secure inmate work program.

**Conference Committee/Legislature:** Delete provision.

## 29. CORRECTIONAL INSTITUTION VISITORS BUS

**Assembly:** Prohibit Corrections from furnishing transportation services for family members of inmates to visit state prisons. The Department currently allocates \$60,000 GPR annually from its purchase of services appropriation for a visitors bus service. The Department contracts with a bus company to provide transportation services from the City of Milwaukee to certain state prisons on a scheduled basis.

**Conference Committee/Legislature:** Delete provision.

## 30. PRAIRIE DU CHIEN KITCHEN OPERATION [LFB Paper 333]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
PR	\$0	3.00	-\$196,700	0.00	-\$196,700	3.00

**Governor:** Provide 3.0 positions for the operation of the kitchen at the Prairie du Chien secured correctional facility. The facility is currently operated as an adult prison under contract with the Division of Juvenile Corrections for inmates who are not more than 21 years of age and who are not violent offenders. Food services at the facility were converted from a vendor contract to operation by Corrections' staff late in 2000. The bill provides no additional expenditure authority for the positions or other operating costs because the kitchen operations would be funded by reallocating funds previously used for the vendor contract. However, funding under the bill was not adjusted to reflect the cost difference between the 6.5 positions requested by the Department and the 3.0 positions provided under the bill.

**Joint Finance/Legislature:** Delete \$85,200 in 2001-02 and \$111,500 in 2002-03 relating to the Prairie du Chien secured correctional facility. Transfer \$83,700 and 2.0 positions annually to Prairie du Chien from the Ethan Allen and the Lincoln Hills Schools and authorize a reduction to statutory daily rates for secured juvenile correctional facility care to reflect the transfer.

### 31. ESTABLISHMENT OF THE REDGRANITE CORRECTIONAL INSTITUTION

**Governor/Legislature:** Identify the Redgranite Correctional Institution as a medium-security correctional institution that Corrections is required to establish and name the facility as a state prison.

[Act 16 Sections: 3336 and 3353m]

### 32. NAMING OF THE JACKSON CORRECTIONAL INSTITUTION

**Governor/Legislature:** Name the medium-security Jackson Correctional Institution as a state prison.

[Act 16 Section: 3353m]

### 33. INSTITUTIONAL OPERATIONS AND CHARGES LAPSE

GPR-REV	\$1,000,000
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**Governor/Legislature:** Direct that \$1,000,000 from the annual program revenue institutional operations and charges appropriation lapse to the general fund on the effective date of the bill. Under current law, expenditures from the appropriation may be made for the use, production and provision of state institutional facilities, services and products (other than those of prison industries, correctional farms and correctional institution enterprises involving the activities of inmates) and for the remodeling or construction of buildings. Revenues for the appropriation are generated from the rental of state institutional facilities and from the sale of institutional services and products (other than those of prison industries, correctional farms and correctional institution enterprises involving the activities of inmates). Base level funding for the appropriation is \$12,869,500 and 36.0 positions.

[Act 16 Section: 9211(1)]

### 34. INCREASED PRESERVICE TRAINING FUNDING

PR	\$483,000
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**Governor/Legislature:** Provide \$241,500 annually to fund correctional officer preservice training necessary as a result of correctional officer attrition. Program revenue funding is provided through the penalty assessment surcharge receipts. Base level PR funding for correctional officer training is \$1,499,200 and 9.0 positions annually.

### 35. BADGER STATE INDUSTRIES COST INCREASES

	Funding Positions	
PR	\$3,446,700	1.00

**Governor/Legislature:** Provide \$1,161,100 in 2001-02 and \$2,285,600 in 2002-03 and 1.0 position annually for cost increases in Badger State Industries (BSI). The recommendation is divided as follows: (a) \$20,000 annually for operation and

maintenance of a BSI products web site; (b) \$330,000 annually for increased permanent property expenditure authority; (c) \$775,400 in 2001-02 and \$1,898,600 in 2002-03 for increased supplies and services costs (fuel, utilities, transportation of goods and raw materials); and (d) \$35,700 in 2001-02 and \$37,000 in 2002-03 and 1.0 officer position annually at the Waupun Correctional Institution. Currently, the officer position is staffed through the use of overtime. Revenue for BSI is generated from charges to customers for various services and products.

### 36. COMPUTER RECYCLING [LFB Paper 697]

	Governor (Chg. to Base)		Jt. Finance/Leg. (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
PR	\$0	0.00	\$100,800	1.00	\$100,600	1.00
SEG	291,400	4.00	- 100,800	- 1.00	190,600	3.00
Total	\$291,400	4.00	\$0	0.00	\$291,400	4.00

**Governor:** Provide \$145,800 SEG in 2001-02 and \$145,600 SEG in 2002-03 and 4.0 SEG positions annually for continuation of the computer recycling program. Under the bill, funding and position authority associated with 4.0, two-year project SEG positions provided in the 1999-01 biennial budget for computer recycling are removed as noncontinuing elements under the standard budget adjustments. The bill restores the 4.0 positions as permanent, rather than project, positions. Adjusted base funding for the computer recycling program is \$511,600 SEG. Total funding for the program (including standard budget adjustments and rent cost increases) would be \$386,300 SEG in 2001-02 and \$387,200 SEG in 2002-03 with 4.0 SEG positions annually. Funding for the program is provided from the recycling fund.

**Conference Committee/Legislature:** Convert \$50,200 SEG in 2001-02 and \$50,600 SEG in 2002-03 and 1.0 SEG position to program revenue generated from computer recycling activities.

[Act 16 Section: 9111(2L)]

### 37. PRIVATE BUSINESS/PRISON EMPLOYMENT PROGRAM COST REESTIMATE

PR	- \$655,200
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**Governor:** Delete \$333,000 in 2001-02 and \$322,200 in 2002-03 for the private business/prison employment program. The private business/prison employment program allows up to six selected private businesses to operate in state correctional institutions using inmate labor. Under the bill, total funding for the program would be \$360,000 in 2001-02 and \$370,800 in 2002-03 associated with the one business currently operating in the state prisons (Fabry Glove). Revenue to support the program is generated from charges to the private business operating in the correctional institutions.

**Joint Finance:** Reduce the number of allowed private business/prison employment programs to two projects. Under current law, the Department of Corrections may, under specific conditions, have up to six private businesses operating in correctional facilities using inmate labor.

**Senate:** Specify that on the effective date of the bill, Corrections may not enter into, extend, renew or amend a contract under the private business/prison employment program. Sunset the program effective September 1, 2004. Delete provisions related to: (a) approval of contracts by the Joint Committee on Finance; (b) the requirement that the contract or amendment specify the location of each program; and (c) the requirement that Corrections consult with appropriate trade organizations and labor unions prior to issuing and selecting a request for proposal.

**Conference Committee/ Legislature:** Maintain Joint Finance provision.

[Act 16 Section: 3389g]

### 38. TELEMARKETING AND DATA ENTRY

**Senate/Legislature:** Delete \$172,900 in 2001-02 and \$230,500 in 2002-03 and 4.0 positions annually associated with telemarketing and data entry operations performed by inmates.

	Funding	Positions
PR	- \$403,400	- 4.00

Specify that the Department of Corrections may not enter into a contract or other agreement if, in the performance of the agreement, a prisoner would perform data entry or telemarketing services and would have access to any personal identifying information of an individual who is not a prisoner. Define "personal identifying information" to include an individual's name, address, telephone number, driver's license number, and social security number, an individual's employer or place of employment, an identification number assigned to an individual by his or her employer, the maiden name of an individual's mother and the numbers of certain types of bank accounts. Provide that these provisions would first apply to contracts entered into or renewed by Corrections on the effective date of the bill.

Require inmates making telephone solicitations or answering toll-free telephone numbers to do the following immediately after the person called answers the telephone:

a. When making a telephone solicitation: (1) state his or her name; (2) state that he or she is a prisoner; and (3) inform the person answering the call of the name and location (city and state) of the correctional facility in which he or she is a prisoner. Specify that these requirements apply to unsolicited initiations of a telephone conversation to encourage a person to purchase property, goods or services, to solicit charitable contributions, or to conduct opinion polls or surveys. In addition, specify that the requirements apply to prisoners located in a facility outside of Wisconsin if they make telephone solicitations to persons in Wisconsin.

b. When answering a toll-free telephone number: (1) state his or her name; (2) state that he or she is a prisoner; and (3) inform the caller of the name and location of the correctional facility in which he or she is a prisoner. Specify that these requirements apply to prisoners employed directly or indirectly by a charitable organization or toll-free service vendor to answer calls made to the charitable organization or toll-free service vendor. Require a charitable organization or toll-free service vendor that directly or indirectly employs a prisoner to provide reasonable supervision of the prisoner to assure the prisoner's compliance. In addition, specify that the requirements apply to prisoners located in a facility outside of Wisconsin if the prisoner is answering toll-free calls made by persons in Wisconsin.

Specify that a prisoner who violates the disclosure requirements is subject to a forfeiture (a civil monetary penalty) of not more than \$500, while an employer of a prisoner who is a party to a prisoner's violation of the requirements is subject to a forfeiture of not more than \$10,000. Specify that an employer may be a party to a prisoner's violation of the requirements by aiding and abetting the violation, by conspiring with a prisoner to commit the violation, or by advising, hiring, counseling, or otherwise procuring a prisoner to violate the requirements.

Under current law, the Department may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry or telemarketing services and have access to an individual's financial transaction card numbers, checking or savings account numbers or social security number. In addition, Corrections may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry services or telemarketing services and have access to any information that may serve to identify a minor.

**Veto by Governor [D-4]:** Delete the provision which specifies that Corrections may not enter into a contract or other agreement, if in the performance of the agreement, a prisoner would perform data entry or telemarketing services and have access to any personal identifying information of an individual who is not a prisoner.

[Act 16 Sections: 2826m, 2826p, 2981m, 2981p, 2981r and 2981s]

[Act 16 Vetoed Sections: 3325q and 9311(7k)]

### 39. PRISON FARM COST INCREASES

PR

\$296,600

**Governor/Legislature:** Provide \$154,400 in 2001-02 and \$142,200 in 2002-03 for increased permanent property expenditure authority. Base level permanent property funding is \$227,400 annually. Under the bill, total permanent property expenditure authority would increase to \$381,800 in 2001-02 and \$369,600 in 2002-03. Revenue for the prison farm program is generated from the sale of beef, pork and dairy products produced by the prison farms.

#### 40. PRISON FARM PROGRAM EXPANSION

**Governor/Legislature:** Provide \$305,800 in 2001-02 and \$550,700 in 2002-03 and 1.0 position annually to expand the prison farm program. Increased funding would support the cost of 1.0 correctional officer, an expansion of the dairy herd by 150 head and associated costs. Costs would be divided as follows: (a) correctional officer position, \$31,900 in 2001-02 and \$48,300 in 2002-03; (b) feed for additional livestock, \$153,200 in 2001-02 and \$237,100 in 2002-03; (c) veterinary and breeding service costs, \$14,500 in 2001-02 and \$29,000 in 2002-03; (d) packaging costs for increased dairy production, \$31,700 in 2001-02 and \$63,500 in 2002-03; (e) additional inmate wages, \$10,600 in 2001-02 and \$21,300 in 2002-03; and (f) four-year master lease costs for equipment and livestock, \$63,900 in 2001-02 and \$151,500 in 2002-03. Revenue for the prison farm program is generated from the sale of beef, pork and dairy products produced by the prison farms.

Funding Positions		
PR	\$856,500	1.00

#### 41. PRISON CHAPLAINS

**Joint Finance:** Provide 3.0 GPR chaplain positions annually in the Department of Corrections. The Department currently has a total of 30.4 chaplain positions in its adult correctional facilities (25.9 GPR positions) and juvenile schools (4.5 PR positions). On an annualized basis, the positions would cost \$138,600 GPR.

Positions	
GPR	3.00

**Assembly:** Delete Joint Finance provision.

**Conference Committee/Legislature:** Maintain Joint Finance provision.

#### 42. INMATE HEALTH CARE REPORT AND PROCEDURES

**Joint Finance/Legislature:** Require the following of the Department of Corrections regarding inmate health care:

a. A report to the Joint Committee on Finance by January 4, 2002, concerning its implementation of the Legislative Audit Bureau's (LAB) recommendation that it identify and review all professional medical services contracts, including those for medical, laboratory, dental and optical services, to determine whether costs can be controlled by either seeking better rates with alternate vendors or consolidating contracts.

b. A report to the Joint Committee on Finance by January 4, 2002, concerning its implementation of a plan to provide at least 12 hours of annual continuing education and staff development for health care staff and provide correctional officers with increased training in the delivery of controlled medications.

c. Examination of the allocation of mental health resources to ensure that, within available resources, the mental health needs of inmates are met in an equitable and efficient

manner and an evaluation of the effectiveness of efforts to allocate mental health resources to meet the mental health needs of inmates in an equitable and efficient manner.

d. Regular, random reviews of medical charts by a physician to help ensure that proper medical procedures are followed and an evaluation of the outcome and findings of medical chart reviews.

e. A report to the Joint Legislative Audit Committee and the Joint Committee on Finance by September 1, 2001, or by the first day of the second month after the effective date of the bill, whichever is later, on its progress toward meeting the standards it has selected as the basis for health care delivery to inmates.

f. The preparation of written contracts for all health care vendors, for the delivery of basic health services at correctional institutions with the requirement that any contract, agreement or extension of existing contracts or agreements over \$500,000 be submitted to the Joint Committee on Finance for prior approval.

g. A report to the Joint Committee on Finance by January 4, 2002, regarding all monies collected from reimbursement available in health care services contracts.

h. The requirement that the Department of Corrections negotiate in all of its future contracts with hospitals that provide inpatient care for inmates the willingness to accept medical assistance (MA) rates for those who are eligible and evaluate the outcome of efforts to negotiate in all future hospital contracts providing inpatient care for inmates that MA rates be accepted for the care.

i. The requirement that the Department of Corrections work with the Department of Health and Family Services to explore options for determining medical assistance eligibility for inmates and for Corrections and DHFS to evaluate the progress of efforts to determine MA eligibility.

**Veto by Governor [D-7]:** Delete provision.

[Act 16 Vetoed Sections: 3329p thru 3329u and 9111(3c) thru 9111(3cd)]

#### **43. COMMUNITY REINTEGRATION FACILITY**

**Joint Finance/Legislature:** Require the Department of Corrections to prepare a feasibility study for a transitional placement facility for parolees. Require that the Department submit the study to the Joint Committee on Finance, including a proposal on funding the facility. Require that the Department consider the following criteria in conducting the study:

a. The facility house not less than 150 parolees.

- b. The facility be located in a region of the state closest to the inmate population it will serve.
- c. The facility be located in a nonresidential area.
- d. Qualified respondents must be considered non-profit entities by the Internal Revenue Service.
- e. Qualified respondents must have control over an identified and properly zoned site.
- f. There must be at least 180 days between the awarding of the winning bid to opening of the facility in order to allow the contractor sufficient time to acquire and remodel a facility and secure necessary local approvals.
- g. The facility provide alcohol and other drug abuse (AODA) treatment, education, job preparation, and other elements of programming designed to prepare parolees for their return to the community.
- h. The treatment program must be provided on a continuum of care, moving from the most restrictive level of care to the least restrictive.
- i. The facility provide a comprehensive curriculum emphasizing assessment, education, substance abuse treatment and relapse prevention.
- j. The assessment phase provide comprehensive assessments of individuals in order to decide on appropriate courses of treatment and rehabilitation needs. Areas assessed must include academic and vocational factors as well as risks of substance abuse and recidivism. Treatments must be designed for each parolee with the objective of successful reintegration into the community.
- k. The treatment phase of the program focus on successful re-integration of the offender into the community which requires that: (1) treatments be carried out by trained, certified, clinically supervised staff; and (2) treatment progress be managed and monitored by a team of licensed professionals, including educators, certified alcohol and drug counselors, vocational specialists and medical professionals.
- L. Residential treatment be provided seven days a week and include the following: substance abuse treatment; offender rehabilitation; life-skills training; education; group therapy; family program; experiential workshops; anger management; and conflict resolution.
- m. A plan to contract for a third-party evaluation of the program to measure effectiveness and rate of recidivism.

**Veto by Governor [D-12]:** Delete provision.

[Act 16 Vetoed Section: 9111(3g)]

#### **44. PROBATION AND PAROLE HOLD FACILITY FEASIBILITY STUDY**

**Joint Finance:** Require the Department of Corrections, in connection with its 2003-05 capital budget request, to study the feasibility of constructing a probation and parole hold facility in north central Wisconsin.

**Assembly:** Delete Joint Finance provision.

**Conference Committee/Legislature:** Maintain Joint Finance provision.

[Act 16 Section: 9111(3d)]

#### **45. INMATE REHABILITATION AND AFTERCARE**

**Assembly/Legislature:** Specify that the Department of Corrections may permit one or more nonprofit community-based organizations meeting specific requirements to operate an inmate rehabilitation program in any correctional facility if the Department determines that operation of that program does not constitute a threat to the security of the facility or the safety of inmates or the public and the operation of the program is in the best interest of the inmates.

Specify that an organization seeking to operate a rehabilitation program is required to submit a detailed proposal for the operation of the program. Require that the proposal include all of the following: (a) a description of the services to be provided, including aftercare services, and a description of the geographic area in which aftercare services will be provided; (b) a description of the activities to be undertaken and the approximate daily schedule of programming for inmates participating in the program; (c) a statement of the qualifications of the individuals providing services; (d) a statement of the organization's policies regarding eligibility of inmates to participate in the program; (e) a statement of the goals of the program; (f) a description of the methods by which the organization will evaluate the effectiveness of the program in attaining the goals; and (g) any other information required by Corrections.

Specify that an organization seeking to operate a rehabilitation program must agree in writing to all of the following: (a) the organization may not receive compensation from Corrections for services provided in the rehabilitation program; (b) the organization may not deny an inmate the opportunity to participate in the program for any reason related to the inmate's religious beliefs or nonbelief; (c) an inmate may stop participating in the program at any time; and (d) upon the inmate's release, the organization must provide community-based

aftercare services for each inmate who completes the program and who resides in the geographic area in which aftercare services will be provided.

Require Corrections to establish policies that provide an organization operating a rehabilitation program reasonable access to inmates. Require Corrections to designate a specific portion of the facility for operation of a rehabilitation program, if one is established. To the extent possible, require that inmates participating in the program be housed in the portion of the facility in which the program is operated. Specify that the Department may not require an inmate to participate in the rehabilitation program and may not base any decision regarding an inmate's conditions of confinement, including discipline, or an inmate's eligibility for release, on an inmate's decision to participate or not to participate in the rehabilitation program. Specify that the treatment of inmates, including the provision of housing, activities in which an inmate may participate, freedom of movement and work assignments, will be substantially the same for inmates who participate in the rehabilitation program and inmates who do not participate in such a program. Specify that Corrections may restrict an inmate's participation in the rehabilitation program only if the restriction is necessary for the security of the facility or the safety of the inmates or the public. Allow Corrections to suspend or terminate operation of the rehabilitation program if the organization operating the program fails to comply with any of the requirements. Require Corrections to suspend or terminate the operation of the program if it determines that suspension or termination of the program is necessary for the security of the facility or the safety of the inmates or the public or is in the best interests of the inmates.

Specify that an organization operating a rehabilitation program may suspend or terminate an inmate's participation in a program for reasons unrelated to religious beliefs, including the inmate's failure to participate meaningfully in the program.

Specify that if an organization operating a rehabilitation program promotes or informs Corrections that the organization intends to promote sectarian worship, instruction, or proselytization in connection with the rehabilitation program, the Department must permit all other religious organizations meeting the requirements of the inmate rehabilitation and aftercare program to operate an inmate rehabilitation program. Specify that Corrections is not required to permit a religious organization to operate an inmate rehabilitation program if it determines that the organization's operation of that program constitutes a threat to the security of the facility or the safety of the inmates or the public.

Require Corrections to evaluate or contract with a public or private agency for an evaluation of the effectiveness of each authorized rehabilitation program in reducing recidivism and alcohol and other drug abuse among program participants. Specify that Corrections must collect the data and information necessary to evaluate the program. Require that no later than three years from the date on which the rehabilitation program begins operating, Corrections must submit a report of the evaluation to the Governor and to the appropriate standing committees of the Legislature.

Specify that the Parole Commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in a rehabilitation program.

**Veto by Governor [D-6]:** Modify the provision that Corrections may restrict an inmate's participation in a rehabilitation program only if the restriction is necessary for the security of the facility or the safety of the inmates or the public to instead provide that Corrections may restrict an inmate's participation in a rehabilitation program. Delete the ability of an organization operating a rehabilitation program to suspend or terminate an inmate's participation in a program for reasons unrelated to religious beliefs, including the inmate's failure to participate meaningfully in the program.

[Act 16 Sections: 3333j and 3354j]

[Act 16 Vetoed Section: 3333j]

#### **46. REPORT ON OUT-OF-STATE INMATE TRANSFERS**

**Senate:** Require the Department of Corrections to prepare a report on inmates transferred to out-of-state contract facilities for submission to the Joint Committee on Finance by July 1, 2002. Specify that the report address the following issues:

- a. Overall impact transfers have on prison populations and a projection of future out-of-state transfers.
- b. Total cost of out-of-state transfers including the cost of incarceration and transportation.
- c. Types of inmates being transferred identified by crimes committed prior to incarceration.
- d. Policies on how inmates are selected for out-of-state transfers.
- e. Average length of stay in out-of-state prisons.
- f. Specific treatments received by inmates in out-of-state facilities compared to inmates housed in Wisconsin facilities.
- g. Complaint procedures for inmates, including the number of complaints received, types of grievances submitted and ways the out-of-state prison facility has addressed the complaints.
- h. Rate of recidivism for prisoners who have been housed out-of-state compared to those remaining in Wisconsin for the entire sentence, by specific crimes.

i. Impact of the transfers on inmates' families in Wisconsin, including the information families receive on treatment of inmates and ways Corrections has attempted to respond to concerns of the families.

j. Steps taken to implement alternative measures to prison transfers, including the number of persons involved in enhanced community supervision programs, the success of these programs, and the feasibility of reducing prison transfers through increasing some combination of community supervision programs.

k. The effect that the elimination of parole and probation would have on the number of prisoners who will be sentenced to a term of imprisonment and on recidivism rates for all prisoners.

l. An evaluation of health status of prisoners and health care provided to prisoners.

**Conference Committee/Legislature:** Delete provision.

## Community Corrections

### 1. COMMUNITY CORRECTIONS POPULATION ESTIMATES [LFB Paper 350]

**Governor:** Estimate an end-point population (June 30) of 56,840 in 2001-02 and 57,741 in 2002-03. As of December 31, 2000, the probation and parole population was 55,107. The budgeted end-point population for 2000-01 is 64,010.

**Senate:** Increase estimated end-point community corrections populations by 130 offenders in 2001-03 and 400 offenders in 2002-03 associated with the increased utilization of the intensive sanctions program.

**Conference Committee/Legislature:** Maintain the Governor's community corrections population estimates.

### 2. COMMUNITY CORRECTIONS PURCHASE OF SERVICES FUNDING [LFB Paper 351]

	Governor (Chg. to Base)	Legislature (Chg. to Gov)	Net Change
GPR	\$9,859,200	- \$5,224,100	\$4,635,100

**Governor:** Provide \$4,831,900 in 2001-02 and \$5,027,300 in 2002-03 for increased purchase of services funding in the Division of Community Corrections. Total community corrections purchase of services funding would increase from \$16,589,600 in 2000-01 to \$21,421,500 in 2001-02 and \$21,616,900 in 2002-03. Total funding would include \$1,595,500 annually transferred from the intensive sanctions program to the probation and parole program. Under the provision, purchase of service funding (exclusive of 800 offenders in the enhanced supervision program and absconders) is estimated at \$347 per offender in 2001-02 and \$345 per offender in 2002-03.

**Assembly:** Delete \$4,831,900 in 2001-02 and \$5,027,300 in 2002-03 associated with purchase of services for offenders on probation, parole and extended supervision. Purchase of service funding would remain at the current base level of \$14,629,600 in 2000-01, and is estimated to provide purchase of services funding at \$261 per offender in 2001-02 and \$257 per offender in 2002-03.

**Conference Committee/ Legislature:** Reduce community corrections purchase of services funding by \$2,649,500 in 2001-02 and \$2,574,600 in 2002-03. Total community purchase of services funding would be \$18,772,000 in 2001-02 and \$19,042,300 in 2002-03. Purchase of service funding would be provided at an estimated \$300 per offender in probation, extended supervision and parole (exclusive of 800 offenders in the enhanced supervision program and absconders) during the 2001-03 biennium.

### 3. COMMUNITY CORRECTIONS INCREASED STAFFING [LFB Paper 350]

	Governor (Chg. to Base)		Legislature (Chg. to Gov)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions
GPR	\$6,939,500	97.00	-\$2,755,700	- 40.50	\$4,183,800	56.50

**Governor:** Provide \$1,068,800 and 21.5 positions in 2001-02 and \$5,870,700 and 97.0 positions in 2002-03 to provide additional community corrections supervision. Under the bill, the following positions would be provided: (a) probation and parole agents, 17.0 positions in 2001-02 and 75.0 positions in 2002-03; (b) probation and parole supervisors, 1.0 position in 2001-02 and 6.0 positions in 2002-03; (c) program assistant supervisors, 2.0 positions in 2002-03; and (d) program assistants, 3.5 positions in 2001-02 and 14.0 positions in 2002-03. Increased funding and positions are estimated to create an agent-to-offender ratio of one agent to 47.1 offenders in 2001-02 and one to 45.7 in 2002-03. Based on 2000-01 estimated end-point populations each agent currently has a caseload of approximately 54 offenders.

**Assembly:** Delete \$1,068,800 and 21.5 positions in 2001-02 and \$4,647,800 and 76.0 positions in 2002-03 to provide an estimated agent-to-offender ratio for all offenders, excluding the enhanced supervision programs, of one agent to 48 offenders.

**Conference Committee/Legislature:** Provide an additional \$54,200 and 7.5 positions in 2001-02 and delete \$2,809,900 and 40.5 positions in 2002-03 to provide an estimated agent-to-offender ratio for all offenders, excluding the enhanced supervision programs, of one agent to 47 offenders. The total number of additional positions would be: (a) 20.0 agents in 2001-02 and 39.25 in 2002-03; (b) 1.75 probation and parole supervisors in 2001-02 and 3.25 in 2002-03; (c) 1.0 program assistant supervisor in 2001-02 and 1.75 in 2002-03; and (d) 6.25 program assistants in 2001-02 and 12.25 in 2002-03. Total increased funding would be \$1,123,000 and 29.0 positions in 2001-02 and \$3,060,800 and 56.5 positions in 2002-03.

#### 4. MILWAUKEE DRUG COURT PROJECT [LFB Paper 352]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$840,000	- \$490,000	\$350,000

**Governor:** Provide \$420,000 annually for increased purchase of services funding associated with the Milwaukee drug court project. The executive budget book indicates that Corrections will utilize the 210-bed AODA unit at the Milwaukee Secure Correctional Facility for the program. Funding under the bill is intended to provide purchase of services support at \$2,000 per offender in the program. Currently, the Department operates a full-time, 48-bed felony drug offender alternative to prison program serving young male Milwaukee drug offenders. These offenders enter the program as an alternative to prison as determined by the sentencing drug court judge. The program was designed by representatives of the Milwaukee County District Attorney's office, the State Public Defender's office, Milwaukee County circuit court judges and community organizations. The 12-month program includes intensive treatment during the first four- to six-month phase of incarceration. The intensive treatment phase is followed by up to two months at a correctional center where offenders are assisted to gain employment. A six-month period of enhanced supervision in the community, including aftercare services and close surveillance, is the final program phase. Upon successful completion, offenders are subsequently supervised by probation and parole agents until completion of their sentence.

**Joint Finance/Legislature:** Reduce funding by \$280,000 in 2001-02 and \$210,000 in 2002-03 to reflect revised program participation figures (a population of 70 on June 30, 2002, and 105 on June 30, 2003). Place funding in the purchase of services appropriation. Total funding for purchase of services for the program would be \$140,000 in 2001-02 and \$210,000 in 2002-03. Modify current law to allow the Milwaukee Secure Detention Facility and a correctional center to be utilized for the Milwaukee Drug Court project. Specify that, with the consent of the Department and when recommended in a presentence investigation, a court may order that a felony offender be confined in MSDF or a correctional center for the drug court project.

[Act 16 Sections: 4026g, 4026r and 9311(6tk)]

**5. COMMUNITY CORRECTIONS FUNDING AND POSITION REALLOCATION [LFB Paper 350]**

**Governor/Legislature:** Transfer \$1,587,800 GPR in 2001-02 and \$1,589,900 GPR in 2002-03 and 24.0 GPR positions annually from the intensive sanctions program to probation and parole. Total funding allocated to intensive sanctions in the 2001-03 biennium would be \$200,000 GPR annually for a mother-young child care program and \$175,000 PR in 2001-02 and \$167,100 PR in 2002-03 for offender monitoring costs.

**6. INTENSIVE SANCTIONS PROGRAM**

**Senate:** Provide \$697,300 GPR and 9.25 GPR positions in 2001-02 and \$2,206,700 GPR and 29.0 GPR positions in 2002-03 to staff and fund the intensive sanctions program to support a population of 400 offenders. Reduce prison contract bed funding by \$566,300 in 2001-02 and \$4,421,400 in 2002-03 associated with decreased prison populations.

Modify statutory language related to use of the intensive sanctions program under truth-in-sentencing to:

- a. Delete the requirement that a judge may not sentence an individual to the intensive sanctions program for an offense that occurs on or after December 31, 1999.
- b. Delete the provision that an offender convicted of an offense that occurs on or after December 31, 1999 is not eligible for the program while serving the confinement portion of a bifurcated sentence.
- c. Specify that a court, in its sole discretion, may order a person to participate in the intensive sanctions program during the confinement portion of a bifurcated sentence.
- d. Allow a sentencing judge to determine the date at which an offender may be eligible for release to the community portion of the program, but specify that this may be no sooner than one year or longer than two years. Specify that a court may make the intensive sanctions program a condition of extended supervision.
- e. Require that the determination to place a person sentenced under a bifurcated sentence in the community portion of the intensive sanctions program is solely the discretion of the sentencing court, based on a recommendation from the Department of Corrections at the time of the potential placement decision. Specify that if a court places a person in the community portion of the intensive sanction program, the total length of the bifurcated sentence remains the same, but the confinement portion is shortened and the extended supervision portion is increased by equal amounts. Specify that the court may not increase the length of a bifurcated sentence when making the modification for intensive sanctions community placement.

f. Specify that no earlier than 30 days before the eligibility date specified by a court, Corrections may petition the court for permission to release a person to the community portion of the intensive sanctions program. Upon the filing of a petition, allow a court, with or without a hearing, to authorize Corrections to release the person from his or her placement any time after the eligibility date. If a court schedules a hearing on the petition, require the clerk of the circuit court in which the petition is filed to send a copy of the petition and a notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card requesting notification, at least 10 days before the date of the hearing. Specify that the notice inform the victim that he or she may appear at the hearing and inform the victim of the manner in which he or she may provide written statements concerning the inmate's petition for release to extended supervision. Require the Director of State Courts to design and prepare cards for a victim to send to the clerk of the circuit court in which the inmate is convicted and sentenced.

g. Specify that if the court schedules a hearing on a petition, the clerk of the court will provide a copy of the petition and a notice of the hearing to the district attorney at least 10 days before the hearing.

h. Specify that a court or Corrections may require the person ordered to participate in the program to remain in the intensive sanctions program as a condition of extended supervision.

i. Specify that if a person is sentenced to the program and his or her extended supervision is revoked, the time remaining on the bifurcated sentence is the total length of the bifurcated sentence, less time served before release to extended supervision.

Specify that the current provisions of the intensive sanctions program continue to apply to persons convicted of offenses occurring before December 31, 1999.

**Conference Committee/Legislature:** Delete provision.

**7. PAROLE COMMISSION MEMBERSHIP AND STAFFING [LFB Paper 353]**

Funding Positions		
GPR	\$672,800	6.00

**Governor:** Provide \$321,300 in 2001-02 and \$351,500 in 2002-03 and 6.0 positions annually (2.0 parole commissioners and 4.0 program assistants) for increased staffing of the Parole Commission. Modify current law to expand the membership of the Commission from six members to eight members beginning on the date of enactment of the bill until June 30, 2003. Funding would be provided as follows: (a) staff costs including rent, \$267,200 in 2001-02 and \$287,400 in 2002-03; (b) limited-term employees, \$21,500 annually; and (c) additional supplies and services for the Commission, \$32,600 in 2001-02 and \$42,600 in 2002-03. While the bill would expand the size of the Commission by two members until June 30, 2003, permanent commissioner positions would be created.

**Joint Finance/Legislature:** Specify that the expansion of the Parole Commission from six members to eight is permanent, rather than until June 30, 2003.

[Act 16 Sections: 129 and 169]

## **8. RESIDENCE OF SEX OFFENDERS ON PAROLE OR EXTENDED SUPERVISION**

**Joint Finance/Legislature:** Require that serious sex offenders live in a residence approved by the Department of Corrections as a condition of extended supervision or parole. Define "serious sex offense" as: (a) first- or second-sexual assault; (b) first- or second-degree sexual assault of a child; (c) engaging in repeated acts of sexual assault of the same child; (d) incest with a child; (e) child enticement; and (f) a solicitation, conspiracy or attempt to commit any of the previously identified serious sex offenses. Define "sex offender" as a person serving a sentence as a serious sex offense. Require the Department of Corrections and the Parole Commission to work cooperatively to minimize, to the greatest extent possible, the residential population density of sex offenders who are on probation, parole, or extended supervision or placed on supervised release as a sexually violent person.

*Extended Supervision.* Specify that before releasing a sex offender to extended supervision, Corrections is required to assess the appropriateness of the sex offender's prospective residence by doing at least all of the following:

a. Considering the sex offender's access to potential victims if he or she lives there. If the victim of the serious sex offense that the sex offender committed was a child, require the Department to contact the Department of Health and Family Services, the local county department responsible for certification of child care providers and the local school board to determine whether there are any day care providers located near the sex offender's prospective residence.

b. Ensuring that others living in the prospective residence are aware of the sex offender's offense history.

Require Corrections to use its best efforts to select a residence that is in the sex offender's county of residence. Provide that if the victim of the serious sex offense that the sex offender committed was a child who resided with the sex offender at the time of the offense, Corrections may not permit the sex offender to return home, unless the extended supervision officer and any person providing sex offender treatment to the sex offender determines that the sex offender's return will not jeopardize the safety of anyone residing in the home.

Specify that Corrections may not approve a residence if it is located in a county where there is a correctional institution that has a specialized sex offender treatment program, unless that county is also the sex offender's county of residence. Require Corrections to determine a sex offender's county of residence by doing all of the following: (a) considering residence as the

voluntary concurrence of physical presence with intent to remain in a place of fixed habitation and considering physical presence as prima facie evidence of intent to remain; and (b) applying the criteria for consideration of residence and physical presence to the facts that existed on the date on which the sex offender committed the serious sex offense that resulted in the sentence that the sex offender is serving.

*Special Action Parole Release.* Specify that a prisoner may not be released on special action parole release, unless he or she agrees to live in a residence that Corrections has approved. Under current law, the Secretary of the Department of Corrections may, under certain circumstances, release inmates serving sentences for crimes occurring before December 31, 1999, to parole supervision.

*Parole.* Provide that neither the Parole Commission nor Corrections may parole a sex offender unless he or she agrees to live in a residence that the Parole Commission or Corrections has approved. Specify that the Parole Commission may deny presumptive mandatory release for any sex offender who has committed a serious sex offense if the inmate refuses to live in a residence that the Parole Commission has approved. Specify that a sex offender who has committed a serious sex offense may not be released on mandatory release unless he or she agrees to live in a residence that the Parole Commission or Corrections has approved.

Specify that before releasing a sex offender on parole, the Parole Commission or Corrections must assess the appropriateness of the sex offender's prospective residence by doing at least all of the following:

a. Considering the sex offender's access to potential victims if he or she lives there. If the victim of the serious sex offense that the sex offender committed was a child, require the Parole Commission or Corrections to contact the Department of Health and Family Services, the local county department responsible for certification of child care providers and the local school board to determine whether there are any day care providers located near the sex offender's prospective residence.

b. Ensuring that others living in the prospective residence are aware of the sex offender's offense history.

Require the Parole Commission or Corrections to use its best efforts to select a residence that is in the sex offender's county of residence. Specify that if the victim of the serious sex offense that the sex offender committed was a child who resided with the sex offender at the time of the offense, neither the Parole Commission nor Corrections may permit the sex offender to return home, unless the parole officer and any person providing sex offender treatment to the sex offender determines that the sex offender's return will not jeopardize the safety of anyone residing in the home.

Specify that no sex offender may be paroled to any county where there is a correctional institution that has a specialized sex offender treatment program unless that county is also the sex offender's county of residence. Require the Parole Commission or Corrections to determine a sex offender's county of residence by doing all of the following: (a) considering residence as the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation and considering physical presence as prima facie evidence of intent to remain; and (b) applying the criteria for consideration of residence and physical presence to the facts that existed on the date on which the sex offender committed the serious sex offense that resulted in the sentence that the sex offender is serving.

**Veto by Governor [D-5]:** Delete the provisions, except: (a) require the Department of Corrections to work to minimize, to the greatest extent possible, the residential population density of sex offenders who are on probation, parole or extended supervision or placed on supervised release; and (b) specify that, as a condition of extended supervision, a sex offender, defined as a person serving a sentence for a serious sex offense as defined above, would be required to live in a residence that Corrections has approved.

[Act 16 Sections: 3329m, 3367g, 3377m, 3385g, 3385r and 3984m]

[Act 16 Vetoed Sections: 3329m, 3354g, 3354r, 3357m, 3385r and 3389m thru 3389y]

## **9. SEX OFFENDER NOTIFICATION**

**Assembly/Legislature:** Require the Department of Corrections to provide information on sex offenders employed or enrolled at the UW System to the Board of Regents, including: (a) the person's name, including any aliases; (b) identifying physical characteristics; (c) the nature of the conviction; (d) the address of the person; (e) the location where the person is employed or attending; and (f) the most recent date that the information was updated. Require the UW System Board of Regents to provide information, on request, to students and their parents or guardians of the enrollment or employment of sex offenders at the UW System institution at which the sex offender works or is a student. This provision would first apply to a person who is required to register with Corrections or who updates information with Corrections after the effective date of the bill.

**Veto by Governor [A-22]:** Delete provision.

[Act 16 Vetoed Sections: 1351zd, 3352p, 3352w and 9311(7c)]

## Juvenile Corrections

### 1. JUVENILE POPULATION ESTIMATES [LFB Paper 360]

**Governor:** Estimate the juvenile secured correctional facility average daily population (ADP) from 1,031 in 2000-01 to 942 in 2001-02 and 945 in 2002-03, and the total juvenile average daily population from 1,439 in 2000-01 to 1,320 in 2001-02 and 1,324 in 2002-03 as shown in the following table. On March 2, 2001, 944 juveniles were in a secured correctional facility and a total of 1,310 juveniles were under state supervision. The population projections include juveniles funded under the serious juvenile offender (SJO) program. The SJO population projections under the bill are summarized below under "Serious Juvenile Offender Funding." Under the bill, the population projections in the table are used in the calculation of daily rates for each type of care, excluding alternate care.

#### Average Daily Population

	<u>2000-01*</u>	<u>Projected ADP</u>	
		<u>2001-02</u>	<u>2002-03</u>
Secured Correctional Facilities	1,031	942	945
Other Placements			
Corrective Sanctions	136	136	136
Aftercare Services	<u>272</u>	<u>242</u>	<u>243</u>
Subtotal -- Other	408	378	379
Total ADP	1,439	1,320	1,324
Alternate Care	203	188	189

\* Estimates under the 1999-01 biennial budget act.

The secured facilities include Ethan Allen School, Lincoln Hills School, Southern Oaks Girls School, the Youth Leadership Training Facility (Boot Camp), the SPRITE Program, the Mendota Juvenile Treatment Center, and the Prairie du Chien facility. (Under current law, the Prairie du Chien facility is designated a temporary prison for young adult males until July 1, 2001. Under the bill, this use as a prison would be extended to July 1, 2003.)

Aftercare services include juveniles under state supervision following release from a juvenile correctional facility. Placement may be in an alternate care setting, a relative's home or the juvenile's own home.

Alternate care includes child caring institutions, group homes, foster homes and treatment foster homes. The average daily population for alternate care is a subset of aftercare services.

**Joint Finance/Legislature:** Reestimate the juvenile secured correctional facility average daily population (ADP) from 1,031 in 2000-01 to 960 in 2001-02 and 961 in 2002-03, and the total juvenile average daily population from 1,439 in 2000-01 to 1,352 in 2001-02 and in 2002-03 as shown in the following table. The table reflects the changes to the estimates made under the Governor's bill.

**Average Daily Population  
Act 16**

	Governor <u>2001-02</u>	Act 16 <u>2001-02</u>	Change to Bill	Governor <u>2002-03</u>	Act 16 <u>2002-03</u>	Change to Bill
Secured Correctional Facilities	942	960	18	945	961	16
Other Placements						
Corrective Sanctions	136	136	0	136	136	0
Aftercare Services	<u>242</u>	<u>256</u>	<u>14</u>	<u>243</u>	<u>255</u>	<u>12</u>
Subtotal -- Other	378	392	14	379	391	12
Total ADP	1,320	1,352	32	1,324	1,352	28
Alternate Care	188	200	12	189	199	10

## 2. STATUTORY DAILY RATES [LFB Papers 360 and 361]

**Governor:** Provide two modifications to the statutory provisions relating to daily rates for juvenile care: (a) specify statutory daily rates on a fiscal-year, rather than a calendar-year, basis; and (b) eliminate statutory daily rates for alternate care placements.

Under the statutes, daily rates for juvenile care in a given biennium are specified for periods matching calendar year periods. Under current law, daily rates are specified for the periods: (a) July 1, 1999 to December 31, 1999; (b) January 1, 2000 to December 31, 2000; and (c) January 1, 2001 to June 30, 2001. Under the bill, statutory rates in the 2001-03 biennium would instead be specified on a fiscal-year basis.

Under current law, a statutory daily rate is specified for each type of alternate care setting, including child caring institutions, group homes, treatment foster homes and foster homes. While a single rate for each type of care is set in statute, individual facilities or homes providing each type of care change a variety of daily rates. Under the bill, the statutory daily rates would be eliminated for alternate care. As a result, counties and the state (in the case of juveniles whose costs are paid through the serious juvenile offender appropriation) would be

charged the actual daily rate charged at each alternate care facility. See the entry below on "Alternate Care" for these estimated costs.

Under the bill, the following statutory daily rates would be established for juvenile correctional services provided by the Department that would be charged to counties and paid through counties' youth aids allocations, or paid through the serious juvenile offender appropriation.

	Statutory Rates	Statutory Rates Under Bill	
	1-1-01 thru 6-30-01	7-1-01 thru 6-30-02	7-1-02 thru 6-30-03
Secured Correctional Facilities*	\$154.08	\$171.16	\$176.06
Child Caring Institutions	190.70	NA	NA
Group Homes	123.45	NA	NA
Corrective Sanctions	76.71	82.89	84.87
Treatment Foster Homes	78.23	NA	NA
Regular Foster Homes	27.16	NA	NA
Aftercare Supervision	18.62	23.25	23.80

\*Includes transfers from a secured correctional facility to the Mendota Juvenile Treatment Center.

**Joint Finance/Legislature:** Approve the Governor's recommendation to specify statutory daily rates on a fiscal-year, rather than a calendar-year, basis. Retain statutory daily rates for alternate care settings. Revise the daily rates for juvenile correctional services provided or purchased by the Department, as shown in the following table. The table reflects changes to the daily rates for secured correctional facilities, corrective sanctions and aftercare supervision based on revised population estimates and modified cost factors, including modifications of standard budget adjustments (Paper 310), Prairie du Chien kitchen operations (Paper 333) and population-related cost adjustments (Paper 363). The rates for child caring institutions, group homes, treatment foster care and regular foster care are identical to the rates used to calculate the alternate care budget under the bill, but under legislative action, are designated in statute.

**Statutory Daily Rates  
Act 16**

<u>Type of Care</u>	<u>Governor 2001-02</u>	<u>Act 16 2001-02</u>	<u>Change to Bill</u>	<u>Governor 2001-02</u>	<u>Act 16 2002-03</u>	<u>Change to Bill</u>
Secured Correctional Facilities*	\$171.16	\$167.57	-\$3.59	\$176.06	\$172.51	-\$3.55
Child Caring Institutions	NA	213.00	NA	NA	226.00	NA
Group Homes	NA	129.00	NA	NA	135.00	NA
Corrective Sanctions	82.89	82.56	-0.33	84.87	84.50	-0.37
Treatment Foster Homes	NA	81.00	NA	NA	85.00	NA
Regular Foster Homes	NA	41.00	NA	NA	43.00	NA
Aftercare Supervision	23.25	21.96	-1.29	23.80	22.66	-1.14

\*Includes transfers from a secured correctional facility to the Mendota Juvenile Treatment Center.

[Act 16 Sections: 3338 thru 3342 and 3902]

**3. ALTERNATE CARE [LFB Paper 361]**

	<b>Governor (Chg. to Base)</b>	<b>Jt. Finance/Leg. (Chg. to Gov)</b>	<b>Net Change</b>
PR	\$1,849,000	\$1,253,800	\$3,102,800

**Governor:** Provide \$515,300 in 2001-02 and \$1,333,700 in 2002-03 for juvenile residential aftercare (alternate care). The residential aftercare appropriation funds the costs of care for juveniles placed in child caring institutions, foster care homes, treatment foster care homes, group homes and certain other living arrangements. Base funding for the residential aftercare appropriation is \$12,387,500. The average daily population (ADP) for alternate care totaled 174 in 1999-00. Through December, 2000, the 2000-01 ADP totaled 187. Under the bill, the alternate care ADP is projected at 188 in 2001-02 and 189 in 2002-03.

As noted above, under the bill, the statutory daily rates for alternate care would be repealed and charges to both the counties and the state (in the case of juveniles whose costs are paid through the serious juvenile offender appropriation) would be based on the actual daily rates charged at each alternate care setting utilized. While statutory rates would be eliminated, average daily rates for alternate care must still be estimated in order to establish the Department's budget for the residential aftercare appropriation.

Under the bill, these rates are estimated by taking the actual average daily rates paid for each type of care for the six-month period, January through June, 2000, and applying annual percentage increases (6% for child caring institutions and 5% for all other types of alternate care) to estimate 2000-01, 2001-02 and 2002-03 average rates. The 2001-02 and 2002-03 average rates and projected ADP are then used to calculate the funding for alternate care.

In addition to the alternate care types specified in statute, the Department also utilizes other settings for certain placements. These typically involve monitored living situations (dorm-style settings or small apartments) for individuals who are 18 to 21 years of age and still subject to a juvenile disposition, but who are too old to be placed in a juvenile facility. An average cost for these other types of living arrangements is also estimated in order to budget for alternate care.

The following table shows the statutory alternate care rates for 2000-01 and the average rates projected under the bill for 2001-02 and 2002-03.

	Statutory Rates	Governor (Non-Statutory)	
	1-1-01 thru 6-30-01	7-1-01 thru 6-30-02	7-1-02 thru 6-30-03
Child Caring Institutions	\$190.70	\$213.00	\$226.00
Group Homes	123.45	129.00	135.00
Treatment Foster Homes	78.23	81.00	85.00
Regular Foster Homes	27.16	41.00	43.00
Other Living Arrangements	None	53.00	56.00

**Joint Finance/Legislature:** Provide \$666,000 in 2001-02 and \$587,800 in 2002-03 for juvenile residential aftercare to reflect average daily populations in alternate care settings of 200 in 2001-02 and 199 in 2002-03. Maintain statutory daily rates for alternate care, which are the same as the Governor's nonstatutory rates used for budgeting purposes shown in the above table.

[Act 16 Sections: 3340d thru 3342]

#### 4. SERIOUS JUVENILE OFFENDER FUNDING [LFB Paper 362]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$8,255,200	- \$2,360,400	\$5,894,800

**Governor:** Provide \$4,131,800 in 2001-02 and \$4,123,400 in 2002-03 to address population and cost increases associated with state-funded serious juvenile offenders (SJO).

The SJO appropriation reimburses juvenile correctional institutions, secured child caring institutions, alternate care providers, aftercare supervision providers and corrective sanctions supervision providers for costs incurred, beginning on July 1, 1996, for: (a) the care of any juvenile 14 years of age or over who has been adjudicated delinquent for an act that is equivalent to a Class A or B felony or a juvenile 10 years of age or older who has attempted or committed first-degree intentional homicide or has committed first-degree reckless or second-degree intentional homicide, and who has a disposition as a serious juvenile offender; (b)

juveniles less than 16 years of age under the jurisdiction of the adult court and sentenced to state prison, but placed by Corrections at a secured juvenile correctional facility or a secured child caring institution; (c) correctional services for juveniles adjudicated as violent juvenile offenders for certain offenses committed prior to July 1, 1996 (all violent juvenile offenders are now out of the juvenile correctional system); and (d) juveniles under extended jurisdiction orders prior to July 1, 1996 who receive juvenile correctional services.

Base funding for the SJO appropriation totals \$13,813,200. Under the bill, the following average daily populations for the SJO appropriation, including SJO juveniles and extended jurisdiction (EJ) juveniles, are projected for the 2001-03 biennium:

<u>Type of Care</u>	<u>SJO</u>		<u>EJ</u>	
	<u>2001-02</u>	<u>2002-03</u>	<u>2001-02</u>	<u>2002-03</u>
Secured Correctional Facilities	148	143	9	8
Corrective Sanctions Program	85	84	3	1
Aftercare Supervision	<u>85</u>	<u>83</u>	<u>5</u>	<u>2</u>
Total ADP	318	310	17	11
Alternate Care*	70	68	0	0

\*Includes child caring institutions and group homes and are a subset of aftercare supervision.

**Joint Finance/Legislature:** Reduce funding by \$1,458,100 in 2001-02 and \$902,300 in 2002-03 to reflect reestimated serious juvenile offender populations and revised daily rates. SJO funding would total \$16,486,900 in 2001-02 and \$17,034,300 in 2002-03. The average daily populations for the SJO appropriation, including SJO juveniles and extended jurisdiction (EJ) juveniles, are reestimated for the 2001-03 biennium, as follows:

<u>Type of Care</u>	<u>SJO</u>		<u>EJ</u>	
	<u>2001-02</u>	<u>2002-03</u>	<u>2001-02</u>	<u>2002-03</u>
Secured Correctional Facilities	161	162	8	7
Corrective Sanctions Program	83	85	3	1
Aftercare Supervision	70	72	5	2
Total ADP	<u>314</u>	<u>319</u>	<u>16</u>	<u>10</u>
Alternate Care*	49	50	0	0

\*Includes child caring institutions and group homes and are a subset of aftercare supervision.

**5. POPULATION-RELATED STAFF REDUCTIONS AT SECURED CORRECTIONAL FACILITIES** [LFB Paper 366]

Funding Positions		
PR	- \$4,344,800	- 53.25

**Governor:** Delete \$2,172,400 and 53.25 positions annually to reflect a projected decrease, from prior budget estimates, in juvenile populations for the state's secured correctional facilities. The funding reduction is based on the elimination of 53.25 vacant positions with vacancy dates ranging from June 25, 1994, to July 26, 2000, and are identified as follows: (a) -10.8 positions budgeted in the Division of Juvenile Corrections central office (including 4.25 from juvenile aftercare, 4.0 from juvenile boot camp, 1.55 from the corrective sanctions program and 1.0 from juvenile operations); (b) -21.5 positions at the Ethan Allen School; (c) -8.45 positions at the Lincoln Hills School; (d) -7.5 positions at the Southern Oaks Girls School; and (e) -5.0 positions at the Prairie du Chien facility. A technical correction is necessary to properly reflect the elimination of the identified positions. The classifications and full-time equivalent (FTE) positions that would be deleted are as follows:

<u>Position Classification</u>	<u>FTE</u>
Assistant corrections unit supervisor	1.00
Chaplain	1.00
Corrections unit supervisor	1.00
Custodian	1.00
Electronics technician	1.00
Experiential recreation specialist	1.00
Facilities repair worker	1.00
Financial clerk	1.00
Food service worker	1.00
Juvenile review and release specialist	1.00
Maintenance mechanic	1.00
Nurse clinician	3.00
Nurse practitioner	0.50
Power plant operator	1.00
Probation and parole agent	4.00
Program assistant	5.50
School psychologist	1.00
Social worker	4.50
Teacher	10.50
Teacher supervisor	1.00
Treatment specialist	1.00
Youth counselor	10.25
<b>Total</b>	<b>53.25</b>

**Joint Finance/Legislature:** Approve the recommendation but recognize that the Department would have flexibility, within the appropriation, to identify the specific positions to be eliminated, which could vary from the list above.

**6. TRANSFER OF YOUTH DIVERSION PROGRAM TO THE OFFICE OF JUSTICE ASSISTANCE [LFB Paper 190]**

**Governor:** Delete \$461,600 GPR and 1.5 GPR positions and \$1,038,400 PR and 0.5 PR position annually and transfer the administration and grant funding of the Office of Gang Intervention and Prevention (youth diversion program) to the Office of Justice Assistance (OJA) in DOA. Repeal Corrections' GPR youth diversion and the PR youth diversion program and interagency programs; alcohol and other drug abuse appropriations.

Funding Positions		
GPR	- \$923,200	- 1.50
PR	- 2,076,800	- 0.50
Total	- \$3,000,000	- 2.00

Under current law, a total of \$1,400,000 is provided to Corrections annually for youth diversion grants (\$380,000 GPR, \$720,000 PR from penalty assessment revenue and \$300,000 PR from federal funds administered by DHFS). Of this total, \$500,000 combined GPR and PR from penalty assessment funds is allocated for an organization in Milwaukee County to provide services designed to divert juveniles from gang activities into productive activities. The \$300,000 provided from DHFS federal funding is designated for the provision of substance abuse education and treatment services for juveniles participating in the organization's youth diversion program. In addition, \$600,000 annually (composed of GPR and PR from penalty assessment funds) is budgeted to provide \$150,000 each to organizations in Racine, Kenosha, and Brown Counties and the City of Racine. These organizations provide gang diversion services, including substance abuse education and treatment services for program participants. Under the bill, no modification of the grant recipients or grant amounts would be made.

In addition to the transfer of these grant funds, \$100,000 annually (\$81,600 GPR and \$18,400 PR) and 2.0 positions (1.5 GPR and 0.5 PR) would be transferred from Corrections to OJA for the administration of the program. The PR funding and 0.5 position would be taken from the juvenile corrective sanctions program appropriation funded with revenue provided by counties and the state (under the serious juvenile offender appropriation) for juvenile correctional services. (A nonstatutory provision under the bill, which would delete the 0.5 PR position, requires a technical correction.) Under the bill, the \$18,400 PR and 0.5 PR position provided to OJA would be funded from penalty assessment revenues.

Under the bill, statutory modifications are made to transfer the authority to operate the program from Corrections to OJA. On the effective date of the bill, the assets and liabilities of Corrections primarily related to the youth diversion program, as determined by the DOA Secretary, would become assets and liabilities of DOA. The bill provides that the incumbent employees holding the transferred positions would be transferred to DOA and would maintain their employment rights and status. Tangible personal property, pending matters, contracts and contract responsibilities relating to the youth diversion program would be transferred to

DOA. Rules and orders relating to the program under Corrections would remain in effect until their specified expiration date or until modified or rescinded by DOA.

**Joint Finance/Legislature:** Create separate GPR and PR annual appropriations for youth diversion grant funds under OJA and transfer \$380,000 GPR and \$720,000 PR annually to these appropriations from OJA's GPR general program operations appropriation and its PR appropriation under the bill relating to the administration of anti-drug law enforcement programs and the youth diversion program. Modify OJA appropriation titles and language under the bill to reflect these provisions. Correct a nonstatutory provision under the bill, which deletes the 0.5 PR position from DOC, to reflect that the deletion is made from the appropriation relating to the corrective sanctions program. Direct that, in the appropriation relating to the \$300,000 provided annually to Milwaukee County for the provision of substance abuse education and treatment services for juveniles participating in the youth diversion program, the grant amount be reallocated from the supplies and services budget line to the aids to individuals and organizations budget line.

[Act 16 Sections: 285, 684d thru 686, 853d, 856d, 857d, 3348 thru 3351d and 9111(1)]

## 7. POPULATION-RELATED COST ADJUSTMENTS [LFB Paper 363]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$12,800	\$0	\$12,800
PR	<u>1,488,400</u>	<u>264,300</u>	<u>1,752,700</u>
Total	<u>\$1,501,200</u>	<u>\$264,300</u>	<u>\$1,765,500</u>

**Governor:** Provide -\$1,900 GPR and \$672,300 PR in 2001-02 and \$14,700 GPR and \$816,100 PR in 2002-03 to reflect population-related cost adjustments as follows: (a) -\$209,100 PR in 2001-02 and -\$143,600 PR in 2002-03 for food costs at juvenile correctional institutions; (b) \$5,600 GPR and \$240,100 PR in 2001-02 and \$5,600 GPR and \$243,400 PR in 2002-03 for variable non-food costs (such as laundry, clothing and personal items) for institutionalized juveniles; and (c) -\$7,500 GPR and \$641,300 PR in 2001-02 and \$9,100 GPR and \$716,300 PR in 2002-03 to reflect juvenile health care cost adjustments.

**Joint Finance/Legislature:** Provide \$131,300 PR in 2001-02 and \$133,000 PR in 2002-03 to reflect population-related cost adjustments as follows: (a) \$2,000 in 2001-02 and \$5,600 in 2002-03 for food costs; (b) \$66,000 in 2001-02 and \$63,700 in 2002-03 for variable non-food costs; and (c) \$63,300 in 2001-02 and \$63,700 in 2002-03 for health care costs.

**8. YOUTH LEADERSHIP TRAINING CENTER (JUVENILE BOOT CAMP) [LFB Paper 364]**

	<b>Governor (Chg. to Base)</b>		<b>Jt. Finance/Leg. (Chg. to Gov)</b>		<b>Net Change</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	-\$1,475,400	- 4.00	\$0	0.00	-\$1,475,400	- 4.00
PR	<u>0</u>	<u>4.00</u>	<u>0</u>	<u>- 4.00</u>	<u>0</u>	<u>0.00</u>
Total	-\$1,475,400	0.00	\$0	- 4.00	-\$1,475,400	- 4.00

**Governor:** Delete \$729,400 GPR in 2001-02 and \$746,000 GPR in 2002-03 and 4.0 GPR positions annually, transfer \$2,396,700 PR in 2001-02 and \$2,402,300 PR in 2002-03 and 48.0 PR positions and provide 4.0 PR positions annually to reflect the elimination of the Youth Leadership Training Center (the juvenile boot camp) under the bill. Under current law, Corrections is authorized to operate a juvenile boot camp program, for juveniles placed at secured correctional facilities. The boot camp is located at Camp Douglas in Juneau County. Base funding and position authority for the program is \$3,043,800 (\$724,500 GPR and \$2,319,300 PR) and 52.0 positions (4.0 GPR and 48.0 PR).

Under the bill, the Department's authority to operate the boot camp program would be repealed effective on the first day of the third month beginning after publication. Corrections would be authorized to operate the boot camp until this date with PR funding only; no GPR funding would be provided for the program during its phase-out. The PR funding and position authority for the program in 2001-02 and 2002-03, as well as an additional 4.0 PR positions created under the bill, would be transferred to two secured correctional facilities, as follows: (a) \$1,198,400 in 2001-02 and \$1,201,200 in 2002-03 and 26.0 positions annually would be transferred to the Ethan Allen School; and (b) \$1,198,300 in 2001-02 and \$1,201,100 in 2002-03 and 26.0 positions annually would transfer to the Lincoln Hills School. While PR position authority for the facilities is increased by 4.0 positions, no funding for these positions is provided under the bill.

Program revenue funding for the program derives from a daily rate charged to counties or the state for the care of juveniles in secured correctional facilities. The boot camp has a capacity of 48 juveniles and the average daily population for the camp in 1999-00 was 39.5 juveniles. The program provides military academy-style training over 16 weeks with components on military drill and ceremonies, education, vocational training, treatment, adventure activities and community services. Following this phase, a 20-week aftercare component is provided in partnership with community mentoring agencies.

**Joint Finance/Legislature:** Delete the provision to eliminate the juvenile boot camp and retain program revenue funding and 48.0 PR positions for the operation of the facility. Eliminate 4.0 PR positions provided under the bill. [No PR funding was provided for the positions that would be deleted.]

[Act 16 Sections: 683 and 3910]

## 9. MENDOTA JUVENILE TREATMENT CENTER

PR	\$661,800
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**Governor/Legislature:** Provide \$204,500 in 2001-02 and \$457,300 in 2002-03 for cost increases associated with the care and treatment of juveniles placed at the Mendota Juvenile Treatment Center (MJTC). The MJTC facility, operated by the Department of Health and Family Services (DHFS), provides evaluations for and mental health treatment of male juvenile offenders under state custody. The facility has a capacity of 43 beds. Under a contract agreement, DOC is providing \$3,869,200 in 2000-01 (\$1,379,300 GPR and \$2,489,900 PR) to DHFS for the facility. Under the bill, these payments would increase to \$4,073,700 in 2001-02 (\$1,379,300 GPR and \$2,694,400 PR) and \$4,326,500 in 2002-03 (\$1,379,300 GPR and \$2,947,200 PR).

**Veto by Governor [D-13]:** Eliminate the statutory requirement that DOC transfer to DHFS \$2,694,400 PR in 2001-02 and \$2,947,200 PR in 2002-03. The partial veto does not reduce the DOC PR appropriation from which the transfer to DHFS is made, so the funding increase (\$204,500 PR in 2001-02 and \$457,300 PR in 2002-03) remains. The result of the veto is that DOC will make PR payments to DHFS in 2001-03 to cover actual MJTC costs in excess of the GPR funding provided for this purpose. The Governor's veto message indicates that based on current population projections, the nonstatutory program revenue payments are estimated to be \$1,817,200 PR in 2001-02 and \$2,070,000 PR in 2002-03. The statutory GPR transfer amounts for 2001-02 and 2002-03 remain.

[Act 16 Section: 1491]

[Act 16 Vetoed Section: 1491]

## 10. PURCHASE OF COMMUNITY-BASED SERVICES FOR THE CORRECTIVE SANCTIONS PROGRAM

PR	- \$142,000
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**Governor/Legislature:** Delete \$71,000 annually to reflect reestimated costs to purchase community-based services for participants in the corrective sanctions program. The reestimated budget for these services assumes an average annual cost of \$2,500 per corrective sanctions slot. Modify a statutory annual spending requirement for these community-based services from an average of \$3,000 to an average of not more than \$3,000 for each corrective sanctions slot. Under current law, a juvenile participating in the corrective sanctions program is placed in the community and the Department of Corrections must provide intensive surveillance of the juvenile. The Department is statutorily required to expend an average of \$3,000 a year per corrective sanctions slot to purchase community-based treatment services for participants.

[Act 16 Section: 3914]

**11. SOUTHERN OAKS GIRLS SCHOOL SUNSET HOUSE CONTRACT**

PR

\$20,200

**Governor/Legislature:** Provide \$6,500 in 2001-02 and \$13,700 in 2002-03 for increased contract costs associated with the Sunset House at the Southern Oaks Girls School. Sunset House is an eight-bed transitional housing unit for juvenile girls returning to the community. The unit is operated by a private provider under a contract with Corrections.

**12. LICENSING AND TRAINING FUNDING**

PR

\$18,000

**Governor/Legislature:** Provide \$9,000 annually to fund certification training costs of certain special education teachers at secured correctional facilities who are required to be certified as a condition of employment.

**13. SERIOUS JUVENILE OFFENDER CONFINEMENT LIMITS**

**Governor:** Provide that the Department may extend the period for which a participant in the serious juvenile offender (SJO) program may be placed in a secured correctional facility or secured child caring institution, if the adjudicated act was a Class B felony offense, for an additional period of not more than 30 days. A participant would not entitled to a hearing regarding the Department's exercise of this authority unless the Department provides for a hearing by rule.

Provide that the Department or the district attorney of the county in which the dispositional order was entered may petition the court to extend the period for which a participant may be placed in a secured facility for an additional period of not more than two years. The petition would be required to set forth in detail facts showing that the participant is in need of the supervision, care and rehabilitation that a secured placement provides and that public safety considerations require that the participant be placed in that placement. The court would be required to hold a hearing on the petition, unless written waivers of objection to the extension are signed by all parties entitled to receive notice and the court approves. If a hearing is held, the court would be required to provide notice of the hearing, together with a copy of the petition, to the participant, the participant's parent, guardian and legal custodian, all parties bound by the dispositional order, and the district attorney of the county in which the dispositional order was entered at least three days prior to the hearing. At the hearing, any of those persons would be allowed to present evidence relevant to the issue of extension and make alternative placement recommendations. If the court finds by a preponderance of the evidence that the participant is in need of the supervision, care and rehabilitation that a secured placement provides and that public safety considerations require that the participant be placed in that placement, the court would be authorized to extend the period of the secured placement up to two additional years.

The venue for the court proceeding would be in the county where the dispositional order was issued, unless the juvenile's county of residence has changed, or the parent of the juvenile has resided in a different county of this state for six months. In either case, the court would be authorized, upon a motion and for good cause shown, to transfer the case, along with all appropriate records, to the county of residence of the juvenile or parent.

Under current law, an SJO disposition may only be made if the judge finds that the only other disposition that would be appropriate is placement in a secured correctional facility. For a juvenile receiving an SJO disposition, the court is required to make the order apply for a period of five years (with a three-year maximum placement in a secured correctional facility or secured child caring institution) if the adjudicated act was a Class B felony offense, or until the juvenile reaches 25 years of age if the adjudicated act was a Class A felony offense.

Under the bill, an extension of a participant's placement by up to 30 days by the Department would not preclude an extension of that participant's placement by up to two years by the court, and vice versa. The extension provisions would also be applicable to SJO participants who are returned to secured placements from less restrictive placements.

Provide that, by the first day of the 2nd month beginning after the effective date of the bill, the Department must provide notice to all participants in the SJO program that a placement may be extended under these provisions. Provide that the Department would not be allowed to extend, or petition the court to extend, the placement of a juvenile who is a participant in the SJO program on the effective date of the bill, based on acts committed by that participant prior to the date on which the notice is given to that participant.

**Senate/Legislature:** Delete provision.

#### **14. PLACEMENT OF JUVENILES IN PRISONS**

**Governor:** Modify statutory provisions relating to prison placements for: (a) juveniles adjudicated delinquent; and (b) juveniles sentenced to prison in adult court.

*Adjudicated Juveniles.* Repeal statutory provisions that authorize Corrections to transfer a juvenile who is placed in a secured juvenile correctional facility to the Racine Youthful Offender Correctional Facility (a prison for sentenced offenders 15 to 21 years of age), if the juvenile is 15 years of age or over and the Office of Juvenile Offender Review in the Department has determined that the conduct of the juvenile in the secured juvenile correctional facility presents a serious problem to the juvenile or others. Repeal statutory provisions that authorize Corrections to place serious juvenile offenders adjudicated under the serious juvenile offender (SJO) program who are 17 years of age or over in an adult prison, including the intensive sanctions program. The treatment of the provisions would first apply to violations committed on July 1, 1996. The repeal of these provisions relate to a 1998 Wisconsin Supreme Court ruling (*State of Wisconsin v. Hezzie R.*) that held that the placement of juveniles who are adjudicated

delinquent in a prison is unconstitutional because juveniles have no right to a jury trial under Wisconsin law.

**Sentenced Juveniles.** Require Corrections to place a juvenile under 15 years of age who is sentenced to prison (a juvenile waived to adult court or under the original jurisdiction of the adult court and found guilty) in a secured juvenile correctional facility. Under current law, one statutory section requires such a placement if the juvenile is under 15 years of age and another section requires the placement if the juvenile has not attained the age of 16 years. The provision under the bill would remove this conflict by setting the requirement at under the age of 15 years. Notwithstanding this modification, Corrections would maintain its authority under current law to determine, for sentenced juveniles who would otherwise be placed in a secured juvenile correctional facility because of their age, that placement in a prison is appropriate based on the person's prior record of adjustment in a correctional setting, if any; the person's present and potential vocational and educational needs, interests and abilities; the adequacy and suitability of available facilities; the services and procedures available for treatment of the person within the various institutions; the protection of the public; and any other considerations promulgated by Corrections by rule.

Provide that juveniles sentenced to prison under the original jurisdiction of the adult court who attain the age of 15 years may be placed in a prison. Under current law, one statutory section allows such a placement if the juvenile attains 15 years of age and another section, relating to original adult court jurisdiction, allows the placement when the juvenile attains the age of 17 years. The provision under the bill would remove this conflict by allowing the placement for juveniles who attain the age of 15 years. The provisions concerning placement of sentenced juveniles would first apply to violations committed on the effective date of the bill.

**Senate/Legislature:** Delete provision.

**15. YOUTH AIDS FUNDING AND CALENDAR YEAR  
ALLOCATION OF YOUTH AIDS [LFB Paper 365]**

GPR	\$3,153,200
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**Governor:** Modify statutory provisions relating to the calendar year allocation of community youth and family aids (youth aids) funding in the 2001-03 biennium. Continue to allocate funding provided under 1999 Act 9 (the 1999-01 biennial budget bill) according to a three-factor formula as follows: (a) each county's proportion of the total statewide juvenile population for the most recent year for which that information is available; (b) each county's proportion of the total Part I juvenile arrests reported statewide under the uniform crime reporting system during the most recent three-year period for which that information is available; and (c) each county's proportion of the number of juveniles statewide who are placed in a secured correctional facility, a secured child caring institution or a secured group home during the most recent three-year period for which that information is available. Under current law, the allocations relate to calendar year allocations for the 1999-01 biennium. Statutory allocations are specified to reflect calendar year allocations in the following areas: (a) total GPR

and PR youth aids funding appropriated in the biennium for distribution to counties; (b) youth aids increases provided under 1999 Act 9, which are required to be distributed to counties according to a three-factor formula; (c) youth aids funding earmarked for emergency funding for small counties; (d) youth aids funding earmarked for counties participating in the corrective sanctions program; and (e) youth aids funding earmarked for alcohol and other drug abuse treatment programs. Under the bill, the statutory sections are amended to reflect the calendar years in the 2001-03 biennium; however, the amounts specified for total GPR and PR funding for the last six months of 2001 and calendar year 2002 were not adjusted to reflect the funding provided under the bill. Also, the amounts specified for allocation to counties on the basis of a three-factor formula for the last six months of 2001 and calendar year 2002 were not adjusted. Base funding for youth aids totals \$86,183,700 (\$83,734,500 GPR and \$2,449,200 PR). Under the bill, no change to base funding for youth aids is provided.

**Joint Finance:** Allocate youth aids in amounts not to exceed \$43,091,800 for the last six months of 2001 and \$86,183,700 for 2002. Of these amounts, allocate \$2,000,000 for the last six months of 2001 and \$4,000,000 for 2002 to counties according to the three-factor formula. This is a technical correction to the statutory language and does not affect the funding for youth aids under the bill.

**Senate:** Provide \$2,093,400 GPR in 2001-02 and \$4,239,100 GPR in 2002-03, for youth aids. Allocate the additional funding to counties using the three-factor formula under current law with the following additional override factor: provide that no county would receive an allocation less than 93 percent nor more than 115 percent of the amount it would have received if juvenile correctional placements (the third factor in the three-factor formula) were the sole factor used to determine county allocations. The funding represents a 2.5% annual increase in GPR youth aids funding. Under this provision, calendar year youth aids allocations to counties would total \$44,138,500 for the last six months of 2001, \$89,349,900 for 2002 and \$45,211,400 for the first six months of 2003. The calendar year allocation of the youth aids increases subject to the three-factor formula and the override factor would total \$1,046,700 for the last six months of 2001, \$3,166,300 for 2002 and \$2,119,500 for the first six months of 2003.

**Conference Committee/Legislature:** Provide \$1,046,700 in 2001-02 and \$2,106,500 in 2002-03, which represents a 1.25% annual increase in GPR youth aids funding, and allocate the additional funding using the three-factor formula with the Senate override factor. Calendar year youth aids allocations would total \$43,615,200 for the last six months of 2001, \$87,760,300 for 2002 and \$44,145,100 for the first six months of 2003. The calendar year allocation of the youth aids increases subject to the three-factor formula and the override factor would total \$523,300 for the last six months of 2001, \$1,576,600 for 2002 and \$1,053,300 for the first six months of 2003.

[Act 16 Sections: 3343 thru 3347]

## 16. CRITERIA FOR HOLDING A JUVENILE IN CUSTODY

**Governor:** Modify the provisions in the Juvenile Justice Code (Chapter 938) relating to taking a juvenile into custody, release or delivery from custody, criteria for holding a juvenile in physical custody and criteria for holding a juvenile in a secure detention facility to include juveniles who violate a condition of placement in a Type 2 secured juvenile correctional facility or a Type 2 child caring institution, or violate a condition of the juvenile's participation in the intensive supervision program. For those juveniles, provide that: (a) they may be taken into custody by a law enforcement officer; (b) they may be held in physical custody, under the authority of an intake worker, if probable cause exists to believe that the juvenile will run away or be taken away so as to be unavailable for action by Corrections or a county department relating to the violation; (c) they may be held in a secure detention facility if probable cause exists to believe that the juvenile presents a substantial risk of physical harm to another person or a substantial risk of running away so as to be unavailable for action by Corrections; (d) an intake worker would be required to notify the juvenile's parent, guardian, and legal custodian of the reasons for holding the juvenile in custody and of the juvenile's whereabouts unless there is reason to believe that notice would present imminent danger to the juvenile; (e) an intake worker would be required to notify Corrections or the county department, whichever has supervision over the juvenile, of the reasons for holding the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the detention hearing required under the juvenile code; and (f) an intake worker would be authorized to release the juvenile to Corrections or the county department, whichever has supervision of the juvenile, and if this release is made, the intake worker would be required to immediately notify the juvenile's parent, guardian and legal custodian of the time and circumstances of the release and the person, if any, to whom the juvenile was released.

These provisions would take effect on the first day of the fourth month beginning after publication of the bill and would first apply to violations of a condition of a placement committed on this date.

Under current law, juveniles may be taken into custody by law enforcement officials and held in custody by intake workers under certain circumstances, including the violation of the terms of aftercare supervision administered by Corrections or a county department.

Under current law, Type 2 status is available to Corrections, as a condition of aftercare and, by statute, applies to all juveniles placed in the Corrective Sanctions program and the Serious Juvenile Offender program. When given "Type 2" institutional status by Corrections or the court, a juvenile is allowed to serve all or part of his or her dispositional period in a less restrictive community placement, rather than in a "Type 1" secured juvenile correctional facility. The juvenile in a Type 2 placement continues to legally be on institutional status and may be administratively transferred to different placements, including more restrictive placements. A juvenile who violates a condition of his or her Type 2 placement in a less restrictive setting may be taken into custody by Corrections and, without a hearing, be placed in a secure detention facility, a secured correctional facility, or a secured child caring institution.

At the discretion of the court, a juvenile may, under certain circumstances, be given a disposition that places the juvenile in a Type 2 child caring institution under the supervision of the county and subject to Type 2 status. This disposition also provides the counties with the ability to administratively transfer a juvenile who violates a condition of his or her placement in the Type 2 child caring institution to a secured juvenile correctional facility, without a hearing, for not more than ten days.

Counties are also authorized to provide intensive supervision for juveniles who have been adjudicated delinquent and ordered to participate in an intensive supervision program. Under the program, a county must purchase or provide intensive surveillance and community-based treatment services for participants. Electronic monitoring may also be provided. If a juvenile violates a condition of the program, the juvenile's caseworker or other authorized person may, without a hearing, take the juvenile into custody and place the juvenile in a secure detention facility for not more than 72 hours while the alleged violation is being investigated. Placement in a secure detention facility for up to 72 hours is also a possible sanction under certain circumstances for violating a condition of the program.

**Senate:** Delete provision.

**Conference Committee/Legislature:** Retain Governor's provision.

[Act 16 Sections: 3881 thru 3886, 3898 thru 3900, 3915, 3916, 3921d, 3926, 9309(2) and 9409(2)]

## **17. SOUTHERN OAKS GIRLS SCHOOL MENTAL HEALTH UNIT FUNDING**

**Joint Finance/Legislature:** Direct the Office of Justice Assistance (OJA), to the extent allowable under federal regulations, to provide \$433,100 in 2001-02 and \$541,700 in 2002-03 in federal Juvenile Accountability Incentive Block Grant (JAIBG) funds to operate the mental health unit at the Southern Oaks Girls School.

**Veto by Governor [D-23]:** Delete provision.

[Act 16 Vetoed Section: 9201(5v)]

## **18. SMOKING PROHIBITIONS AT SECURED CORRECTIONAL FACILITIES**

**Joint Finance/Legislature:** Provide the following: (a) prohibit smoking in any enclosed, indoor area of a Type 1 secured correctional facility or on the grounds of such a facility; (b) prohibit any person in charge of such a Type 1 secured correctional facility, or his or her agent, to designate any smoking areas in the facility; (c) provide that any person who willfully violates the smoking prohibition after being advised by an employee of the facility that smoking in the area is prohibited would be subject to a forfeiture of not more than \$10; (d) provide that the forfeiture would not be subject to the fee assessed in forfeiture actions, the jail assessment, the

crime laboratories and drug law enforcement assessment and the penalty assessment; and (e) provide that the provisions would take effect on the first day of the twelfth month after publication.

Type 1 secured correctional facilities include the Ethan Allen School, the Lincoln Hills School, the Southern Oaks Girls School, the Mendota Juvenile Treatment Center and the Youth Leadership Training Center (juvenile boot camp program). Under current law, the Secretary of the Department of Health and Family Services (DHFS) is authorized to designate areas in juvenile secured correctional facilities where smoking is allowed.

[Act 16 Sections: 2245d, 2449f thru 2449t, 2857t, 3389f, 3774c, 3832m and 9459(5q)]

## **19. YOUTH REPORT CENTER DISPOSITION**

**Senate/Legislature:** Authorize a juvenile court to impose as a disposition for a juvenile an order requiring the juvenile to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. The disposition could apply to a juvenile who has been: (a) adjudicated delinquent; (b) found to have committed a civil law or ordinance violation; (c) found to be in need of protection or services; or (d) as a sanction for a juvenile who has violated a condition of his or her dispositional order. Provide that reporting to a youth report center and participation in the center's programming may be included as a requirement under a deferred prosecution agreement or as a condition of a consent decree. The provisions would first apply to a juvenile who commits a delinquent act or a civil law or ordinance violation, or who is found to be in need of protection or services, on the effective date of the bill.

[Act 16 Sections: 2559k, 2679t, 2679u, 3878e, 3889e, 3889g, 3890e thru 3893t, 3894s, 3894t, 3895f, 3895j, 3897v, 3900k thru 3900p and 9309(6q)]

## **20. JUVENILE JUSTICE SYSTEM STUDY**

**Assembly/Legislature:** Create a juvenile justice system committee to study the costs of the state assuming, from the counties, responsibility for the operation of the juvenile justice system. Provide that the committee consist of the Secretary of the Department of Administration or the Secretary's designee, the Secretary of the Department of Corrections or the Secretary's designee, the Secretary of the Department of Health and Family Services or the Secretary's designee, a representative of the Wisconsin Counties Association, and a representative of Milwaukee County. Provide that the Governor appoint the chairperson of the committee. Require that, beginning on January 1, 2002, each county adopt a uniform system of accounts prescribed by the committee for the recording of all revenues and expenditures relating to the operation of the juvenile justice system in the county. By March 15, 2003, require each county to report its calendar year 2002 revenues and expenditures to the committee. By

May 1, 2003, require the committee to report its findings, conclusions, and recommendations to the Legislature and to the Governor. Require that the report include proposed legislation for all of the following: (a) the assumption by the state of all or part of the operating costs of the juvenile justice system, beginning on January 1, 2004; and (b) the elimination of youth aids payments to counties and a reduction in the amount of shared revenue payments and mandate relief payments to counties, as a result of the state's assumption of the costs of operating the juvenile justice system.

**Veto by Governor [D-14]:** Delete provision.

[Act 16 Vetoed Section: 9111(6c)]

## **21. YOUTH DIVERSION FUNDING -- CITY OF RACINE**

**Senate:** Provide \$30,000 GPR annually for youth diversion programming to an organization in the City of Racine. The organization provides gang diversion services, including substance abuse education and treatment services for program participants. The funding would increase the annual youth diversion grant at this site from \$150,000 to \$180,000.

**Conference Committee/Legislature:** Delete provision.